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STATE OF NORTH CAROLINA

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# Public Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

EXTRA SESSION OF 1920

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

TUESDAY, THE TENTH DAY OF AUGUST, A.D. 1920

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PUBLISHED BY AUTHORITY

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RALEIGH  
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1920





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MRS. MARGUERITE CROWELL	Laboratory Assistant	Wake
THEODORE FOUNTAIN	Laboratory Assistant	Wake
JOHN BONNER	Laboratory Assistant	Wake

## BOARD OF PUBLIC BUILDINGS AND GROUNDS

Governor,                      Secretary of State,                      State Treasurer,                      Attorney-General.

W. D. TERRY	Superintendent
GEORGE F. KENNEDY	Custodian, Administration Building
W. J. BRIDGERS	Night Watchman, Capitol Building
R. H. SANDERS	Gardener, Capitol Grounds
W. C. HORTON	Engineer, Central Heating Plant
C. E. BARROW	Custodian, State Departments Building

## STATE HIGHWAY COMMISSION

FRANK PAGE	Chairman	Aberdeen
J. E. CAMERON	Commissioner	Kinston
J. K. NORFLEET	Commissioner	Winston-Salem
J. G. STIKLEATHER	Commissioner	Asheville
H. K. WITHERSPOON		Project Engineer
HOMER PEELE		Auditor
L. W. BAKER		Assistant
W. S. FALLIS		State Highway Engineer
GEO. F. SYME		Supervising Engineer
WM. L. CRAVEN		Bridge Engineer
W. M. PEYTON, Asheville		Division Engineer
J. D. WALDROP, Greensboro		Division Engineer
W. F. MORSON, Raleigh		Division Engineer
R. E. SNOWDEN, Kinston		Division Engineer
L. R. AMES		Chief Draftsman
M. M. TRUMBULL		Designing Engineer
J. C. GARDNER		Locating Engineer
O. F. YOUNT		Superintendent of Bridge Construction
H. B. HENDERLITE		Testing Engineer
G. T. MCNAB	United States	Senior Highway Engineer
A. L. HOOPER	United States	Highway Engineer
CHARLES D. FARMER		Superintendent Motor Equipment
J. B. CLINGMAN	Superintendent of Maintenance	Raleigh
A. P. ESKRIDGE	Maintenance Inspector	Asheville
H. HOCUTT	Maintenance Inspector	Statesville
A. F. BROWN	Maintenance Inspector	Greensboro
J. T. LASHLEY	Maintenance Inspector	Bahama
J. J. LAMPLEY	Maintenance Inspector	Fayetteville
R. MARKHAM	Maintenance Inspector	Kinston
F. G. HINES	Maintenance Inspector	Tarboro

## STATE BOARD OF PUBLIC CHARITIES AND PUBLIC WELFARE

*Members of Board*

W. A. BLAIR, Chairman	Winston-Salem
CAREY J. HUNTER, Vice Chairman	Raleigh
A. W. MCALISTER	Greensboro
REV. M. L. KESLER	Thomasville
MRS. WALTER F. WOODARD	Wilson
MRS. THOMAS W. LINGLE	Chapel Hill
MRS. J. W. PLESS	Marion
ROLAND F. BEASLEY, Commissioner	Union
MISS DAISY DENSON	Wake
MRS. CLARENCE A. JOHNSON, Division Child Welfare	Wake
MRS. CLYDE D. POWELL, Stenographer	Wake
MRS. ARTHUR HOLDING, Stenographer	Wake

*State Child Welfare Commission*

E. C. BROOKS, Member <i>ex officio</i>	State Superintendent of Public Instruction
DR. W. S. RANKIN, Member <i>ex officio</i>	Secretary State Board of Health
R. F. BEASLEY, Member <i>ex officio</i> ; Chairman	Commissioner of Public Welfare
E. F. CARTER, Executive Officer	Wake
MISS WILLIE BLACKBURN, Stenographer	Sampson

## ADJUTANT GENERAL'S DEPARTMENT

J. VAN B. METTS	Adjutant General	New Hanover
GORDON SMITH	Assistant Adjutant General	Wake
MISS LELIA M. DYE	Executive Clerk	Wake
J. FRANK MITCHELL	Clerk	Wake
GORDON SMITH	U. S. Property and Disbursing Officer	Wake
FRANCIS A. MACON	State Property and Disbursing Officer	Vance

## STATE DEPARTMENTS

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### NORTH CAROLINA GEOLOGICAL AND ECONOMIC SURVEY

T. W. BICKETT, Governor.....	Ex officio Chairman.....	Raleigh
FRANK HEWITT.....	Member of Board.....	Asheville
R. G. LASSITER.....	Member of Board.....	Oxford
JOHN SPRUNT HILL.....	Member of Board.....	Durham
C. C. SMOOT, 3d.....	Member of Board.....	No. Wilkesboro
JOSEPH HYDE PRATT.....	State Geologist.....	Chapel Hill
J. S. HOLMES.....	State Forester .....	Chapel Hill
Miss H. M. BERRY.....	Secretary .....	Chapel Hill

### STATE PRISON

H. B. VARNER.....	Chairman .....	Lexington
A. E. SMITH.....	Director .....	Mount Airy
W. M. SANDERS.....	Director .....	Smithfield
B. F. SHELTON.....	Director .....	Speed
FRANK GOUGH.....	Director .....	Lumberton
J. R. COLLIE.....	Superintendent .....	Raleigh
S. J. BUSBEE.....	Warden .....	Raleigh

### STATE BOARD OF ELECTIONS

WILSON G. LAMB.....	Chairman .....	Williamston
R. T. CLAYWELL.....	Secretary .....	Morganton
J. W. PASS.....	Member .....	Yadkinville
A. B. FREEMAN.....	Member .....	Hendersonville
CLARENCE CALL.....	Member .....	Wilkesboro

### FISHERIES COMMISSION BOARD

E. CHAMBERS SMITH.....	Chairman .....	Raleigh
A. V. COBB.....	Commissioner .....	Windsor
S. P. HANCOCK.....	Commissioner .....	Beaufort
E. H. FREEMAN.....	Commissioner .....	Wilmington
T. F. WINSLOW.....	Commissioner .....	Hertford
J. K. DIXON.....	Fish Commissioner .....	Trenton

### STATE STANDARD KEEPER

T. F. BROCKWELL.....	Raleigh
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# GENERAL ASSEMBLY

CONVENES BIENNIALLY IN THE CITY OF RALEIGH ON WEDNESDAY AFTER THE FIRST  
MONDAY IN JANUARY

## SENATORS

HON. O. MAX GARDNER, LIEUTENANT GOVERNOR, PRESIDENT, CLEVELAND

DISTRICT	NAME OF SENATOR	POSTOFFICE	COUNTY
1	W. T. CROSS.....	Gatesville .....	Gates
1	M. W. FEREBEE.....	Elizabeth City .....	Pasquotank
2	W. S. DAVENPORT.....	Mackeys .....	Washington
2	LINDSAY C. WARREN.....	Washington .....	Beaufort
3	DR. W. MITCHELL.....	Lewiston .....	Bertie
4	GEO. A. HOLDERNESS.....	Tarboro .....	Edgecombe
4	W. L. LONG.....	Roanoke Rapids .....	Halifax
5	F. C. HARDING.....	Greenville .....	Pitt
6	T. T. ROSS.....	Nashville .....	Nash
6	H. G. CONNOR, JR.....	Wilson .....	Wilson
7	GEORGE V. COWPER.....	Kinston .....	Lenoir
7	F. BROCK.....	Trenton .....	Jones
8	EARLE A. HUMPHREY.....	Goldsboro .....	Wayne
9	DR. R. L. CARR.....	Rose Hill .....	Duplin
10	W. B. COOPER.....	Wilmington .....	New Hanover
11	J. A. BROWN.....	Chadbourn .....	Columbus
12	H. E. STACY.....	Lumberton .....	Robeson
13	J. W. JOHNSON.....	Raeford .....	Hoke
14	W. H. FISHER.....	Clinton .....	Sampson
14	EDWARD L. GAVIN, JR.....	Sanford .....	Lee
15	E. C. BEDDINGFIELD.....	Raleigh .....	Wake
16	M. J. HAWKINS.....	Ridgeway .....	Warren
17	T. G. CURRIN.....	Oxford, R. 6.....	Granville
18	GEO. L. WILLIAMSON.....	Yanceyville .....	Caswell
18	LYNDON PATTERSON.....	Chapel Hill, R.F.D.....	Orange
19	P. W. GLIDEWELL.....	Reidsville .....	Rockingham
20	A. M. SCALES.....	Greensboro .....	Guilford
21	ROBT. L. BURNS.....	Carthage .....	Moore
21	WILKINS P. HORTON.....	Pittsboro .....	Chatham
22	N. V. LONG.....	Biscoe .....	Montgomery
23	J. N. PRICE.....	Monroe, R. 5.....	Union
23	J. F. SHINN.....	Norwood .....	Stanly
24	J. L. DELANEY.....	Charlotte .....	Mecklenburg
24	A. B. PALMER.....	Concord .....	Cabarrus
25	R. LEE WRIGHT.....	Salisbury .....	Rowan
26	JAMES A. GRAY, JR.....	Winston-Salem .....	Forsyth
27	R. L. HAYMORE.....	Mount Airy .....	Surry
28	JAMES L. SHEEK.....	Mocksville .....	Davie
29	DORMAN THOMPSON.....	Statesville .....	Iredell
30	W. A. REINHARDT.....	Newton .....	Catawba
31	A. G. MANGUM.....	Gastonia .....	Gaston
32	D. Z. NEWTON.....	Shelby .....	Cleveland
32	E. B. CLOUD.....	Columbus .....	Polk
33	E. F. WAKEFIELD.....	Lenoir .....	Caldwell
33	T. OVID TEAGUE.....	Taylorsville .....	Alexander
34	E. F. LOVILL.....	Boone .....	Watauga
35	JAMES L. HYATT.....	Burnsville .....	Yancey
36	HENRY B. STEVENS.....	Asheville .....	Buncombe
37	O. B. COWARD.....	Webster .....	Jackson
38	R. D. SISK.....	Franklin .....	Macon

## SENATE OFFICERS

NAME	POSITION	COUNTY
O. MAX GARDNER.....	President .....	Cleveland
LINDSAY C. WARREN.....	President <i>pro tem</i> .....	Beaufort
FRANK D. HACKETT.....	Principal Clerk .....	Wilkes
W. D. GASTER.....	Sergeant-at-Arms.....	Cumberland
J. A. BRYSON.....	Assistant Sergeant-at-Arms...	Henderson
C. C. BROUGHTON.....	Reading Clerk .....	Montgomery
I. W. HUGHES.....	Engrossing Clerk .....	Beaufort

## REPRESENTATIVES

HON. D. G. BRUMMITT, SPEAKER, OXFORD

NAME	POSTOFFICE	COUNTY
W. J. GRAHAM.....	Burlington .....	Alamance
EDGAR W. MOOSE.....	Taylorsville .....	Alexander
R. A. DOUGHTON.....	Sparta .....	Alleghany
T. C. COXE.....	Wadesboro .....	Anson
T. A. FARMER.....	Lansing .....	Ashe
J. H. PRITCHARD.....	Heaton .....	Avery
W. M. BUTT.....	Bonnerton .....	Beaufort
J. H. MATTHEWS.....	Windsor .....	Bertie
A. M. KELLY.....	Abbottsburg .....	Bladen
DEMPSEY L. HEWETT.....	Shalotte .....	Brunswick
J. D. ECKLES.....	Black Mountain .....	Buncombe
LUKE H. YOUNG.....	Leicester, R.F.D.....	Buncombe
JOSEPH E. WILSON.....	Rutherford College .....	Burke
A. ST. CLAIR WILLIAMS.....	Concord .....	Cabarrus
E. G. SUTTLEMYRE.....	Granite Falls .....	Caldwell
M. L. BURGESS.....	Old Trap .....	Camden
DAVID M. JONES.....	Beaufort .....	Carteret
JOHN E. TUCKER.....	Yanceyville .....	Caswell
J. A. PROPST.....	Conover .....	Catawba
A. C. RAY.....	Pittsboro .....	Chatham
T. C. McDONALD.....	Murphy, R. 3.....	Cherokee
J. H. McMULLAN, JR.....	Edenton .....	Chowan
JAMES PENLAND.....	Hayesville .....	Clay
O. M. MULL.....	Shelby .....	Cleveland
WALTER H. POWELL.....	Whiteville .....	Columbus
GEORGE D. DAIL.....	New Bern .....	Craven
GEORGE McNEILL.....	Fayetteville .....	Cumberland
E. R. JOHNSON.....	Currituck .....	Currituck
B. G. CRISP.....	Manteo .....	Dare
A. MACK HIATT.....	Thomasville .....	Davidson
JOHN F. SMITHDEAL.....	Advance .....	Davie
STACY R. CHESTNUT.....	Alvin .....	Duplin
VICTOR S. BRYANT.....	Durham .....	Durham
BENNEHAN CAMERON.....	Stagville .....	Durham
R. T. FOUNTAIN.....	Rocky Mount .....	Edgecombe
R. M. COX.....	Rural Hall, R. 1.....	Forsyth
J. TURNER FARISH.....	Winston-Salem .....	Forsyth
WILLIAM H. MACON.....	Louisburg .....	Franklin
DR. S. A. WILKINS.....	Dallas .....	Gaston
M. A. STROUP.....	Cherryville .....	Gaston
R. W. GATLING.....	Gates .....	Gates
W. P. ROSE.....	Tapoca .....	Graham
D. G. BRUMMITT.....	Oxford .....	Granville

## REPRESENTATIVES—CONTINUED

NAME	POSTOFFICE	COUNTY
W. A. DARDEN.....	Ayden, R.F.D.....	Greene
THOMAS J. GOLD.....	High Point.....	Guilford
W. A. BOWMAN.....	Liberty, R. 2.....	Guilford
C. G. WRIGHT.....	Greensboro.....	Guilford
J. H. DARDEN.....	Spring Hill.....	Halifax
F. M. TAYLOR.....	Brinkleyville.....	Halifax
GEO. K. GRANTHAM.....	Dunn.....	Harnett
D. L. BOYD.....	Waynesville.....	Haywood
BROWNLOW JACKSON.....	Hendersonville.....	Henderson
STANLEY WINBORNE.....	Murfreesboro.....	Hertford
J. A. HODGIN.....	Red Springs, R. 3.....	Hoke
JOHN M. CLAYTON.....	Engelhard.....	Hyde
HARRY P. GRIER.....	Statesville.....	Iredell
W. LAFAYETTE MATTHEWSON.....	Mooreville.....	Iredell
J. N. WILSON.....	Cullowhee.....	Jackson
J. R. WILLIAMS.....	Clayton.....	Johnston
PAUL D. GRADY.....	Kenly.....	Johnston
B. B. COLLINS.....	Maysville.....	Jones
D. B. TEAGUE.....	Sanford.....	Lee
JOHN G. DAWSON.....	Kinston.....	Lenoir
EDGAR LOVE.....	Lincolnton.....	Lincoln
J. FRANK RAY.....	Franklin.....	Macon
GEO. W. WILD.....	Big Pine.....	Madison
HARRY W. STUBBS.....	Williamston.....	Martin
WILLIAM W. NEAL.....	Marion.....	McDowell
W. R. MATTHEWS.....	Charlotte.....	Mecklenburg
T. J. RENFROW.....	Matthews.....	Mecklenburg
EDGAR W. PHARR.....	Charlotte.....	Mecklenburg
S. J. TURNER.....	Bakersville.....	Mitchell
ROBERT T. POOLE.....	Troy.....	Montgomery
GEORGE W. WILCOX.....	Carbonton, R.F.D.....	Moore
R. M. MOORE.....	Whitakers, R. 2.....	Nash
A. F. MAY.....	Spring Hope.....	Nash
L. CLAYTON GRANT.....	Wilmington.....	New Hanover
J. B. STEPHENSON.....	Severn.....	Northampton
EDWARD W. SUMMERSILL.....	Jacksonville.....	Onslow
LUECO LLOYD.....	Chapel Hill.....	Orange
R. C. HOLTON.....	New Bern, R. 1.....	Pamlico
W. O. SAUNDERS.....	Elizabeth City.....	Pasquotank
JEFF. D. HOCUTT.....	Ashton.....	Pender
W. F. MORGAN.....	Winfall.....	Perquimans
J. C. PASS.....	Roxboro.....	Person
JUNIUS BROWN.....	Greenville.....	Pitt
J. C. GALLOWAY.....	Grimesland.....	Pitt
W. F. SWANN.....	Lynn.....	Polk
J. ED. SPENCE.....	Cole's Store.....	Randolph
W. N. EVERETT.....	Rockingham.....	Richmond
G. B. SELLERS.....	Maxton.....	Robeson
J. S. OLIVER.....	Marietta.....	Robeson
JESSE L. ROBERTS.....	Madison.....	Rockingham
JEFF. E. GARRETT.....	Reidsville.....	Rockingham
J. C. KESLER.....	Salisbury.....	Rowan
T. D. BROWN.....	Salisbury.....	Rowan
PLATO GETTYS.....	Hollis.....	Rutherford
RICHARD L. HERRING.....	Clinton.....	Sampson



## REPRESENTATIVES—CONTINUED

NAME	POSTOFFICE	COUNTY
ALEXANDER E. SHAW.....	Wagram .....	Scotland
THOMAS R. FORREST.....	Albemarle .....	Stanly
EDWIN KISER.....	King .....	Stokes
S. O. MAGUIRE.....	Elkin .....	Surry
JOHN BURNETT.....	Bryson City .....	Swain
G. T. LYDAY.....	Penrose .....	Transylvania
H. SEATON SWAIN.....	Columbia .....	Tyrrell
R. B. REDWINE.....	Monroe .....	Union
B. H. GRIFFIN.....	Marshville .....	Union
R. S. MCCOIN.....	Henderson .....	Vance
S. BROWN SHEPHERD.....	Raleigh .....	Wake
W. H. SAWYER.....	Raleigh .....	Wake
R. B. NICHOLS.....	Zebulon .....	Wake
JOHN S. DAVIS.....	Creek .....	Warren
BENJAMIN F. HALSEY.....	Roper .....	Washington
H. MCD. LITTLE.....	Boone .....	Watauga
FRED. R. MINTZ .....	Mount Olive .....	Wayne
C. R. AYCOCK.....	Fremont .....	Wayne
MARCUS G. STEELMAN.....	Adley .....	Wilkes
NATHAN BASS.....	Lucama .....	Wilson
C. G. BRYANT.....	Yadkinville .....	Yadkin
G. ELLIS GARDNER.....	Burnsville .....	Yancey

## HOUSE OFFICERS

NAME	POSITION	COUNTY
D. G. BRUMMITT.....	Speaker .....	Granville
ALEX. LASSITER.....	Principal Clerk .....	Bertie
D. P. DELLINGER.....	Reading Clerk .....	Gaston
WALTER GREEN.....	Sergeant-at-Arms .....	Guilford
PETER MCWILLIAMS.....	Assistant Sergeant-at-Arms .....	Wake
O. P. SHELL.....	Engrossing Clerk .....	Harnett

## ENROLLING DEPARTMENT

NAME	POSITION	COUNTY
EDMUND B. NORVELL.....	Chief Clerk .....	Cherokee
MRS. J. M. WINFREE.....	Assistant .....	Wake
W. P. BATCHELOR.....	Assistant .....	Wake

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA RESIDENTS  
IN OTHER STATES

NAME	ADDRESS	EXPIRATION OF TERM
THOS. J. HUNT.....	Philadelphia, Pa. ....	Nov. 19, 1919
D. O. NEWBERRY.....	Norfolk, Va. ....	Nov. 2, 1919
WM. T. SHANNONHOUSE.....	Norfolk, Va. ....	Mar. 19, 1919
PEARCE HORNE.....	Washington, D. C. ....	Feb. 1, 1920
CHAS. E. A. MCCARTHY.....	New York City .....	July 11, 1920
THOS. CATO WORSFOLD.....	London, England .....	July 21, 1919



CAPTIONS  
OF THE  
PUBLIC LAWS  
EXTRA SESSION, 1920

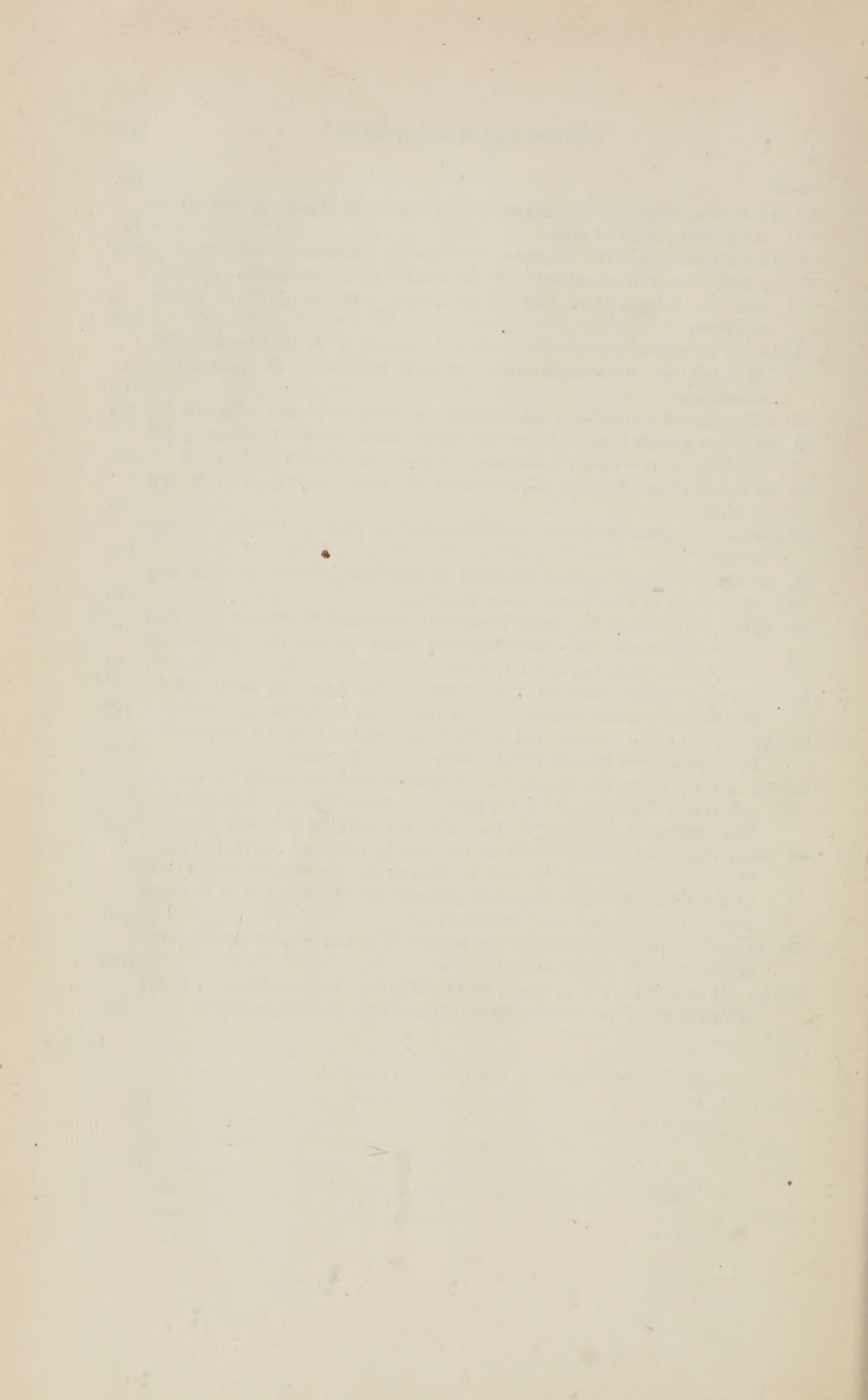
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# CONSTITUTION

OF THE

## STATE OF NORTH CAROLINA

### PREAMBLE.

We, the people of the State of North Carolina, grateful to Preamble.  
Almighty God, the Sovereign Ruler of Nations, for the preserva-  
tion of the American Union, and the existence of our civil, politi-  
cal and religious liberties, and acknowledging our dependence  
upon Him for the continuance of those blessings to us and our  
posterity, do for the more certain security thereof, and for the  
better government of this State, ordain and establish this Consti-  
tution :

### ARTICLE I.

#### DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and  
free government may be recognized and established, and that the  
relations of this State to the Union and Government of the United  
States, and those of the people of this State to the rest of the  
American people, may be defined and affirmed, we do declare :

SECTION 1. That we hold it to be self-evident that all men are The equality and  
rights of men.  
created equal; that they are endowed by their Creator with cer-  
tain inalienable rights; that among these are life, liberty, the  
enjoyment of the fruits of their own labor, and the pursuit of  
happiness.

SEC. 2. That all political power is vested in, and derived from, Political power  
and government.  
the people; all government of right originates from the people, is  
founded upon their will only, and is instituted solely for the good  
of the whole.

SEC. 3. That the people of this State have the inherent, sole Internal govern-  
ment of the State.  
and exclusive right of regulating the internal government and  
police thereof, and of altering and abolishing their Constitution  
and form of government whenever it may be necessary for their  
safety and happiness; but every such right should be exercised  
in pursuance of law, and consistently with the Constitution of the  
United States.

SEC. 4. That this State shall ever remain a member of the That there is no  
right to secede.  
American Union; that the people thereof are a part of the Ameri-  
can Nation; that there is no right on the part of the State to  
secede, and that all attempts, from whatever source or upon what-  
ever pretext, to dissolve said Union or to sever said Nation, ought  
to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss of emancipation of any slave; nor shall the

Bonds issued under ordinance of Convention of 1868 and under acts of 1868, 1868-'69, 1869-'70 declared invalid.

General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred or issued by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight, and one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Exception.

Exclusive emoluments, etc.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defense, and not to be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Answers to criminal charges.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment.

Right of jury.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

- SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.
- SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.
- SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.
- SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land. No person to be taken, etc., but by law of the land.
- SEC. 18. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed. Persons restrained of liberty.
- SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. Controversies at law respecting property.
- SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same. Freedom of the press.
- SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended. Habeas corpus.
- SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office. Property qualification.
- SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given. Representation and taxation.
- SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice. Militia and the right to bear arms.
- SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated. Right of the people to assemble together.
- SEC. 26. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own con- Religious liberty.

sciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to fundamental principles.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emoluments, etc.

SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

Perpetuities, etc.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed.

Ex post facto laws.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Slavery prohibited.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.

State boundaries.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

Courts shall be open.

SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Soldiers in time of peace.

SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Other rights of the people.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

## ARTICLE II.

### LEGISLATIVE DEPARTMENT.

Two branches.

SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.

Time of assembling.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot. Number of senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators. Regulations in relation to districting the State for senators.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off. Regulations in relation to apportionment of representatives.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions. Ratio of representation.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he is chosen one year immediately preceding his election. Qualifications for senators.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election. Qualifications for representatives.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*. Election of officers.

SEC. 10. The General Assembly shall have the power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case. Powers in relation to divorce and alimony.

- Private laws in relation to names of persons, etc. SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.
- Thirty days notice shall be given anterior to passage of private laws. SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.
- Vacancies. SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.
- Revenue. SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.
- Entails. SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.
- Journals. SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.
- Protest. SEC. 17. Any member of either House may dissent from and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.
- Officers of the House. SEC. 18. The House of Representatives shall choose their own Speaker and other officers.
- President of the Senate. SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.
- Other senatorial officers. SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.
- Style of the acts. SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact."
- Powers of the General Assembly. SEC. 22. Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day or other place.
- Bills and resolutions to be read three times, etc. SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.



SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Oath of members.

SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Terms of office.

SEC. 26. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Yeas and nays.

SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

Election for members of the General Assembly.

SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

Pay of members and officers of the General Assembly.

Extra session.

SEC. 29. The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, pri-

Limitations upon power of General Assembly to enact private or special legislation.

vate or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

Officers of the Executive Department.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of elections.

SEC. 3. The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

SEC. 4. The Governor, before entering upon the duties of his office shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution

and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Duties of Governor.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve and the reasons therefor.

Reprieves, commutations and pardons.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly, and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Annual reports from officers of Executive Department and of public institutions.

SEC. 8. The Governor shall be Commander in Chief of the militia of the State, except when they shall be called into the service of the United States.

Commander in chief.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Extra sessions of General Assembly.

SEC. 10. The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant-Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor

In case of impeachment of Governor, or vacancy caused by

death or resignation. shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may select such President.

Duties of other executive officers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the persons chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

SEC. 14. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office; any three of them shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of executive officers.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The

Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Agriculture, Immigration and Statistics.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

Abolishes the distinction between actions at law and suits in equity.

Feigned issues abolished.

SEC. 2. The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Division of judicial powers.

SEC. 3. The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial court of impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Impeachment.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Supreme court justices.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, unless otherwise provided by the General Assembly.

Terms of the supreme court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter

Jurisdiction of supreme court.

of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against the State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts for superior courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a judge shall be chosen, and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Residence of judges, rotation in judicial districts and special terms.

SEC. 11. Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same districts oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county or district, when the judge assigned thereto by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide for special or emergency judges.

Power and authority of emergency judges.

Compensation.

Jurisdiction of courts inferior to supreme court.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among other courts prescribed by this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme

Court, so far as the same may be done without conflict with other provisions of this Constitution.

SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

In case of waiver of trial by jury.

SEC. 14. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.

Special courts in cities.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Clerk of supreme court.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Election of superior court clerk.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

Term of office.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

Fees, salaries and emoluments.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

What laws are and shall be in force.

SEC. 20. Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Justices supreme court, election of.

SEC. 22. The Superior Courts shall be at all times open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Transaction of business in the superior court.

SEC. 23. A solicitor shall be elected for each judicial district, by the qualified voters thereof, as is prescribed for members of

Solicitors for each judicial district.

the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sheriffs and  
coroners.

SEC. 24. In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

SEC. 25. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of  
first officers under  
this article.

SEC. 26. The officers elected at the first election held under the Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of  
justices of the  
peace.

SEC. 27. The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a



justice, he shall make a record of the proceedings and file same with the clerk of the Superior Court for his county.

SEC. 28. When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of justices.

SEC. 29. In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in office of superior court clerk.

SEC. 30. In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Officers of other courts inferior to supreme court.

SEC. 31. Any judge of the Supreme Court or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of judges of the various courts for inability.

SEC. 32. Any clerk of the Supreme Court or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the judges of said Court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court as provided in other cases of appeals.

Removal of clerks of the various courts for inability.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State and filled or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

Amendments not to vacate existing offices.

## ARTICLE V.

## REVENUE AND TAXATION.

Capitation tax.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Exemptions.

Application of proceeds of State and county capitation tax.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purpose of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Taxation shall be by uniform rule and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, that no income shall be taxed when the property from which the income is derived is taxed.

Restrictions upon the increase of the public debt, except in certain contingencies.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasions or insurrections, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.

Property exemptions from taxation.

SEC. 5. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Taxes levied by county commissioners.

SEC. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Acts levying taxes shall state objects, etc.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Qualifications of elector.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district in which he offers his vote, four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court, upon indictment, of any crime the punishment of which now is or may hereafter be imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Qualifications of elector.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

Qualifications of elector.

General Assembly to provide registration laws.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, sec. 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for making a permanent record of such regis-

Qualifications of elector to register and vote.

Registration of persons entitled to vote without education qualification.

Permanent record.

tration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, such person shall have paid his poll tax as above required.

Amendment indivisible.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together.

Elections by people and General Assembly.

SEC. 6. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Oath of office.

SEC. 7. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, -----, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ----- So help me, God."

Disqualification for office.

SEC. 8. The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

When amendment to take effect.

SEC. 9. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

## ARTICLE VII.

### MUNICIPAL CORPORATIONS.

County officers.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners.

Duty of county commissioners.

SEC. 2. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be, *ex officio*, clerk of the board of commissioners.

SEC. 3. It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, and to report the same to the General Assembly before the first day of January, 1869.

Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Said districts shall have corporate powers as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a clerk and two justices of the peace, who shall constitute a board of trustees and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the justices of the peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law.

Officers of townships.

SEC. 6. The township board of trustees shall assess the taxable property of their township and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be *ex officio* treasurer of the township.

Trustees shall assess property.

SEC. 7. No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

No debt or loan except by a majority of voters.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

Drawing of money.

SEC. 9. All taxes levied by any county, city, town or township shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution.

Taxes to be ad valorem.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

When officers enter on duty.

SEC. 11. The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five and six of this article shall have been carried into effect.

Governor to appoint justices.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Charters to remain in force until legally changed.

SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Debts in aid of the rebellion not to be paid.

Powers of General Assembly over municipal corporations.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article and substitute others in their place, except sections seven, nine, and thirteen.

## ARTICLE VIII.

### CORPORATIONS OTHER THAN MUNICIPAL.

Restrictions of legislative powers as to corporations.

SECTION 1. No corporation shall be created nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

General laws for organization of corporations.

Alteration or repeal of general or special acts.

Special acts for repeal of charters.

Debts of corporations, how secured.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

What corporations shall include.

SEC. 3. The term corporation, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

General laws for organization and government of municipalities.

SEC. 4. It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

## ARTICLE IX.

### EDUCATION.

Education shall be encouraged.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. The General Assembly at its first session under this Constitution shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate

Separation of the races.

public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

Counties to be divided into districts.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

What property shall be devoted to educational purposes.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

County school fund.

Proviso.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University, and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary or expedient for the maintenance and management of said University.

Election of trustees and provisions for maintenance of the university.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

Benefits of the university.

- Board of education. SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.
- President and secretary. SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.
- Powers of board. SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be reenacted by the board.
- First session of board. SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the board.
- Quorum. SEC. 12. A majority of the board shall constitute a quorum for the transaction of business.
- Expenses. SEC. 13. The contingent expenses of the board shall be provided by the General Assembly.
- Agricultural department. SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining, and of normal instruction.
- Children must attend school. SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

## ARTICLE X.

## HOMESTEADS AND EXEMPTIONS.

- Exemptions. SECTION 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.
- Homestead. SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or village, with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process



obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children or any one of them. Homestead exempted from debt.

SEC. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemptions, or a mechanic's lien for work done on the premises. Laborer's lien.

SEC. 5. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right. Benefit of widow.

SEC. 6. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried. Property of a married female secured to her.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian if under age, for her or their own use, free from all the claims of the representatives of her husband or any of his creditors. Husband may insure his life for the benefit of wife and children.

SEC. 8. Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law. How deed for homestead may be made.

#### ARTICLE XI.

##### PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been Punishments.  
Convict labor.

- Proviso. sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.
- Death punishment. SEC. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Penitentiary. SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.
- House of correction. SEC. 4. The General Assembly may provide for the erection of a house of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- House of refuge. SEC. 5. A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated. SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city police prisons secure the health and comfort of the prisoners and that male and female prisoners be never confined in the same room or cell.
- Provision for the poor and orphans. SEC. 7. Beneficent provisions for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal state institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.
- Orphan houses. SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses where destitute orphans may be cared for, educated and taught some business or trade.
- Inebriates and idiots. SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf-mutes, blind and insane. SEC. 10. The General Assembly may provide that the indigent deaf-mute, blind and insane of the State shall be cared for at the charge of the State.
- Self-supporting. SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to do duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom. Who are liable to militia duty.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service. Proviso.  
Organizing, etc.

SEC. 3. The Governor shall be Commander in Chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion. Governor commander in chief.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and enact laws that may be expedient for the government of the militia. Exemptions.

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes be cast in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly. Convention, how called.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such a manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of the State. How the Constitution may be altered.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution. Indictments.

Penalty for fighting duel.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Governor to make appointments.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Seat of government.

SEC. 6. The seat of government of this State shall remain at the city of Raleigh.

Holding office.

SEC. 7. No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Proviso.

Intermarriage of whites and negroes prohibited.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA

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EXTRA SESSION, 1920

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PUBLIC LAWS

STATE OF NORTH CAROLINA

EXTRA SESSION, 1890

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PUBLIC LAWS  
OF THE  
STATE OF NORTH CAROLINA

EXTRA SESSION, 1920

CHAPTER 1.

AN ACT TO REVISE AND LIMIT TAX RATES FOR THE YEAR 1920 IN COMPLIANCE WITH PROVISIONS OF THE REVALUATION ACT; TO PROVIDE ADDITIONAL REVENUE FOR THE STATE FROM FRANCHISE AND LICENSE TAXES, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the assessment or valuation of property, made under provisions of chapter eighty-four of the Public Laws of one thousand nine hundred and nineteen, is hereby approved by the General Assembly and adopted as the basis for the levy of tax rates by the State and by all sub-divisions of the State for which taxes are levied for the year one thousand nine hundred and twenty, and the valuation of real property so fixed shall be adopted for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three, except as such valuations may be hereafter changed according to law.

Assessment or valuation approved.

Basis of levy.

Term of adoption.

SEC. 2. That section two of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., secs. 7769, 7770] entitled "An act to raise revenue" be repealed and the following substituted for section two of that act:

"Sec. 2. *Poll and property tax.*—That no tax on property or polls shall be levied for the year one thousand nine hundred and twenty for the use of the State or for the State pension fund. There shall be levied and collected for the year one thousand nine hundred and twenty for the benefit of the State public school fund an *ad valorem* tax of thirteen cents on every one hundred dollars value of real and personal property in this State required to be listed by the revenue laws of the State, and on each taxable poll or male between the ages of twenty-one and fifty years, except the poor or infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be levied and collected for the year one thousand nine hundred and twenty a tax of thirty-nine cents."

No tax for State or pension fund.

Rate of property tax for State school fund.

Poll tax.

Section obsolete.

SEC. 3. That section three of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., sec. 7770] be repealed and designated as "obsolete."

Levy, collection and payment of tax.

SEC. 4. That the taxes levied in the foregoing section two shall be collected and paid into the State Treasury for the benefit of the public school fund in the manner provided by law for the collection and settlement of State taxes.

Levy of county and municipal tax.

SEC. 5. That at any regular or called meeting of the boards of county commissioners of the several counties of the State, or governing authorities of the municipalities of the State, or of any other body in which there is vested authority to levy tax rates, held after the ratification of this act, rates of tax for the year one thousand nine hundred and twenty may be levied under existing authority of law upon the following basis and subject to the following limitations: There shall first be ascertained the taxable value upon which the tax rates were levied for such county, municipality, or special tax district for the year one thousand nine hundred and nineteen, and the total amount of revenue produced by the rate of tax so levied in the year one thousand nine

Basis of levy.

hundred and nineteen. An addition of ten per cent may be made to such total amount of revenue for such county, municipality or special tax district for the year one thousand nine hundred and nineteen, and the total amount of revenue thus ascertained shall be the maximum limit for which rates may be levied in the year one thousand nine hundred and twenty; that is to say that such rate may be calculated with relation to the total amount of taxable property listed for each such county, municipality or special tax district as will yield in revenue for the year one thousand nine hundred and twenty an amount not exceeding the revenue for the year one thousand nine hundred and nineteen plus ten per

Levy in excess of rate illegal.

cent as ascertained in the manner herein provided. Any rate of tax levied by any tax levying authority of any county, municipality, or special tax district for the year one thousand nine hundred and twenty in excess of the rate herein authorized shall be held to be an illegal rate of tax in so far as such levy may be in excess of the amount of levy herein authorized: *Provided*, fractions of cents may be disregarded in making such tax levy: *Provided further*, that so much of the tax levy made by any county, municipality or special tax district for the year one thousand nine hundred and twenty as may be necessary in said year for the purpose of paying the interest or principal, or providing a sinking fund for the principal, of any bonds or notes issued by the county, municipality, or special tax district prior to the time of the levy of property taxes for the year one thousand nine hundred and nineteen, shall be deemed to be levied for said purpose and shall not be applied to any other purpose, but shall be considered to be within and subject to the limitation herein prescribed upon the amount and rates of taxes for the year one thousand nine hun-

Proviso: fractions of cents.  
Proviso: taxes for payment of debt incurred prior to levy for 1919.

dred and twenty: *Provided further*, that taxes levied pursuant to any present or future law for the purpose of paying the interest or principal, or providing a sinking fund for the principal, any bonds or notes issued by the State or by any county, municipality, or special tax district under existing authority of law, since the time of the levy of property taxes for the year one thousand nine hundred and nineteen, or hereafter issued, may, in the year one thousand nine hundred and twenty, or any other year, be levied outside of and shall not be subject to any limitation prescribed by this act or by chapter eighty-four of the Public Laws of one thousand nine hundred and nineteen [C. S.]; and, *Provided further*, that any other special taxes which, since the time of the levy of property taxes for the year one thousand nine hundred and nineteen have been or shall be voted upon and approved pursuant to law by the voters of any county, municipality, or tax district, may also be levied outside of said limitations, but at a rate which will produce an amount not more than ten per cent in excess of the amount which would have been produced by a levy at the rate voted by the people as aforesaid on the assessed valuation of taxable property for the year one thousand nine hundred and nineteen in such county, municipality, or special tax district. The expressions "year one thousand nine hundred and nineteen" and "year one thousand nine hundred and twenty" as used in this section mean the fiscal year beginning in the calendar year one thousand nine hundred and nineteen and the fiscal year beginning in the calendar year one thousand nine hundred and twenty, respectively. All poll taxes levied by counties, municipalities, or special tax districts shall be levied in accordance with rule laid down in the constitution that the tax on each poll shall not exceed the tax on three hundred dollars worth of property: *Provided further*, that in any case where the corporate limits of a municipality have been extended since the levy of tax rates by such municipality in the year one thousand nine hundred and nineteen, and by the inclusion of property liable for taxation in such municipality for the year one thousand nine hundred and twenty, the rate of tax for such municipality shall be calculated in the manner herein prescribed, without reference to the value of the property brought within the corporate limits during the said period, and by the application of the rate of tax so determined to all the property within the corporate limits and liable for municipal taxes for the year one thousand nine hundred and twenty, to the end that the rate of tax may not be affected by the additional property values, but that such additional property may be taxed as other property within the municipality.

Sec. 6. That whenever the school-governing body of any county, city, town, township, or other special tax district having special taxes for schools voted by the people, before the passage of this act, to increase the school term beyond the constitutional limit of

Proviso: tax for debt incurred after levy for 1919.

Proviso: special taxes since levy of 1919.

Years defined.

Rate of poll tax.

Proviso: rate in municipalities having extended limits.

Loans to special tax school districts.

six months, shall find that the amount to be derived from said special taxes as authorized in section five of this act is insufficient to maintain the school term of said district or districts for the year 1920-21 the same length of term as maintained in the year 1919-20, said school-governing body is authorized to make a detailed statement to the county board of education as to the amount needed upon blanks supplied by the State Superintendent of Public Instruction; and the county board of education is hereby authorized to borrow from the State Board of Education an amount sufficient to maintain said school or schools the same length of term as they were maintained in 1919-20.

Proviso: State treasurer to borrow money for loan fund.

*Provided*, that the State Treasurer, when authorized by the State Board of Education, shall borrow for the State Board of Education for the purpose specified above an amount not to exceed three hundred thousand dollars, to be loaned for the purposes specified above under such rules and regulations as the State Board of Education may deem advisable.

Terms of loans to school districts.

The loans under the provisions of this section shall be payable in not more than five annual installments, and shall bear interest at a rate not to exceed the rate the State Treasurer has to pay for money borrowed under the provisions of this section. Any amount loaned under the provisions of this section shall be a lien upon the total school fund of such county in whatsoever hands such funds may be. Upon failure of county, city, town, township, or other special tax district to pay installments and interest, or any part thereof, when due, the State Board of Education may deduct a sufficient amount for the payment of the same out of the State public school fund due said county, city, town, township, or special tax district.

Deduction from apportionment of delinquent districts.

State treasurer to execute and deliver notes.

Whenever the general funds in the treasury of the State shall be insufficient at any time to provide the additional money for the purposes herein expressed, and it is necessary for the State Treasurer, upon demand of the State Board of Education, to borrow all or any part of said three hundred thousand dollars, the State Treasurer is authorized and empowered to execute in the name of the State of North Carolina and deliver notes for the money authorized in this section to be borrowed, and to remit same from time to time, if necessary, until the loans made of said fund by the State Board of Education herein authorized are repaid. And the State Treasurer is directed to pay said notes pursuant to the authority conferred upon him in this section with the proceeds derived from the payment of said notes of the said counties, cities, towns, or special tax districts. And any and all notes issued by the State Treasurer under the provisions of this section shall be exempt from all special county, municipal taxes, or assessments, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation or income,

Payment of notes.

Exemption of notes from taxation.

nor shall said notes be subject to taxation when constituting a part of the surplus of any bank, trust company, or corporation, and it shall be lawful for all executors, administrators, guardians, or fiduciary generally to invest in said notes.

SEC. 7. That for the purpose of providing additional revenue for the State in lieu of *ad valorem* tax on property heretofore levied by the State, the following taxes shall be levied and collected in the manner now provided by law for collection of similar taxes:

Taxes in lieu of  
ad valorem tax.

SEC. 7a. *Franchise tax on corporations.*

That the franchise tax provided in section eighty-two of chapter ninety of the Public Laws of one thousand nine hundred and nineteen be amended by striking out of section eighty-two (3) and of section eighty-two (8) [C. S., 7861] the words "one twenty-fifth of one per cent" where they appear in said sections, and substituting in lieu thereof the words "one-tenth of one per cent," and by striking out of line twelve of section eighty-two (3) and of line ten of section eighty-two (8) the word "five" and inserting in lieu thereof the word "ten."

Franchise tax on  
corporations.

SEC. 7b. That where a report required to be made by section eighty-two of chapter ninety [C. S. 7861] of the Public Laws of one thousand nine hundred and nineteen to the State Tax Commission by any domestic corporation shows capital stock issued and outstanding by any such company to be less than one-half of the assessed value for taxation of all the property of such company in this State for the year one thousand nine hundred and twenty, or the report of any foreign corporation shows the proportion of the capital stock of such foreign corporation apportionable to this State under the rules laid down in section eighty-two of the Revenue Act to be less than half of the assessed value for taxation of all the property of such company in this State for the year one thousand nine hundred and twenty, the measure of the extent to which the corporate franchise of any such corporation is being used, and the amount of franchise tax to be paid by any such corporation, shall be calculated with reference to the sum of one-half of the total assessed value of all the property of such corporation for the year one thousand nine hundred and twenty in this State.

Calculation of  
franchise tax  
with reference to  
assessed value  
of corporate  
property.

SEC. 7c. *Fees for issuing charters of corporations.*

That section one thousand two hundred and thirty-three of the Revisal of one thousand nine hundred and five be amended so as hereafter to read as follows: "On filing any certificate or paper relative to corporations in the office of the Secretary of State, the following tax shall be paid to the State Treasurer for the use of the State: for certificates of incorporation, forty cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than forty dollars; increase of capital stock, forty cents for each thousand dollars of the total increase author-

Fees for charters  
of corporations.

Tax paid to treasurer.

For certificates of  
incorporation.

Increase of capital  
stock.

Extension or removal of corporate existence. Changes in and amendments to certificates.

Filing officers and directors. Dissolution or change of principal office. Proviso: exemptions.

Franchise tax on railroads.

Reports to State tax commission.

Certificate of valuation to auditor.

Basis of calculation.

Rate of franchise tax.

When tax due.

ized, but in no case less than forty dollars; extension or renewal of corporate existence of any corporation, the same as required for the original certificate of incorporation by this chapter; change of name, change of nature of business, amended certificate of incorporation (other than those authorizing increase of capital stock), decrease of capital stock, increase or decrease of par value of, or number of, shares, forty dollars; for filing of officers and directors, two dollars; dissolution of corporation, change of principal place of business, five dollars: *Provided*, that no taxes shall be required to be paid by benevolent, religious, educational, or charitable society or association having no capital stock; and these taxes shall not be cumulative, but when two or more taxes would have been incurred at the same time, the tax for all shall be the largest single tax."

SEC. 7d. *Privilege or franchise tax on railroads.*

That sections seventy-seven and seventy-eight of chapter ninety of the Public Laws of one thousand nine hundred and nineteen be repealed [C. S., 7856-7857] and that section eighty-two (9) [C. S., 7861] of chapter ninety of the Public Laws of one thousand nine hundred and nineteen be amended by striking out of the third line of the said subsection the word "railroad"; that section eighty-two of chapter ninety [C. S., 7861] of the Public Laws of one thousand nine hundred and nineteen be amended by inserting a new subsection to be designated as section eighty-two (6½) as follows:

"Section 82 (6½). *Railroads.*—Every railroad company doing business in this State shall, on or before the first day of October, one thousand nine hundred and twenty, and on or before the thirtieth day of July annually thereafter, make and return to the State Tax Commission, in such form and upon such blanks as shall be furnished by the State Tax Commission, and giving such information as the State Tax Commission shall require, for the purpose of carrying out the provisions of this section, and upon which report the State Tax Commission shall ascertain and certify to the State Auditor the value upon which the amount of taxes which shall be paid by any such railroad company as a franchise or privilege tax shall be calculated. The basis upon which such calculation shall be made by the State Tax Commission and the extent to which every such railroad company is exercising its franchise in this State shall be found to be the value of the property, tangible and intangible, of each such railroad company in the State assessed for the year in which such report is made for *ad valorem* taxes. The franchise tax of each such railroad company for the privilege of exercising its franchise in this State shall be one-tenth of one (0.1%) per cent of the value so ascertained by the State Tax Commission, and such tax shall be due and payable on or before the fifteenth day of October in each year.

If any such company shall fail to make the report provided for on or before the first day of October, one thousand nine hundred and twenty, it shall be the duty of the State Tax Commission to make an approximation from the reports and records on file in that department of the amount of taxes due under this section, and certify same to the State Auditor and Treasurer for collection. No county, city, or town shall be allowed to collect any taxes under this section. The tax imposed by this section shall be in addition to the tax imposed by section seventy-eight of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7857] prior to the ratification of this act, only in so far as the tax imposed by this section exceeds the tax imposed by section seventy-eight of chapter ninety of the Public Laws of one thousand nine hundred and nineteen, and if the tax imposed by section seventy-eight of chapter ninety of the Public Laws of one thousand nine hundred and nineteen for the year one thousand nine hundred and twenty have been paid by any railroad company such amount so paid shall be credited on the tax imposed by this section."

SEC. 7e. *Privilege tax on express companies.*

That section 79a [C. S., 7858] of chapter ninety of the Public Laws of one thousand nine hundred and nineteen be amended by striking out of the third line of the said section the words "three (\$3.00) dollars" and substituting in lieu thereof the words "seven (\$7.50) dollars and fifty cents." The tax imposed by this section shall be in addition to the tax imposed by section 79a of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7858] prior to the ratification of this act, only in so far as the tax imposed by this section exceeds the tax imposed by section 78a of chapter ninety of the Public Laws of one thousand nine hundred and nineteen, and if the tax imposed by section 78a of chapter ninety of the Public Laws of one thousand nine hundred and nineteen for the year one thousand nine hundred and twenty have been paid by any express company, such amount so paid shall be credited on the tax imposed by this section.

SEC. 7f. *Privilege tax on telegraph companies.*

That section eighty of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7859] be amended by striking out of the fourth line of said section the words "two (\$2.00) dollars per mile" and inserting in lieu thereof the words "five (\$5.00) dollars per mile." The tax imposed by this section shall be in addition to the tax imposed by section eighty of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7859], prior to the ratification of this act, only in so far as the tax imposed by this section exceeds the tax imposed by section eighty of chapter ninety of the Public Laws of one thousand nine hundred and nineteen, and if the tax imposed by section eighty of chapter ninety of the Public Laws of one

Assessment on companies failing to report.

County and municipal tax forbidden.  
Addition to tax heretofore assessed.

Credit for tax paid under former assessment.

Privilege tax on express companies.

Rate of tax.  
Additional tax.

Credit for payment under former assessment.

Privilege tax on telegraph companies.

Rate per mile.  
Additional tax.

Credit for payment under former assessment.

thousand nine hundred and nineteen for the year one thousand nine hundred and twenty have been paid by any telegraph company, such amount so paid shall be credited on the tax imposed by this section for the year one thousand nine hundred and twenty.

Privilege tax on telephone companies.

SEC. 7g. *Privilege tax on telephone companies.*

That section eighty-one of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7860] be amended by striking out of the second line of said section the words "two and one-half (2½%) per cent," and substituting in lieu thereof the words "three (3%) per cent," and by striking out of line sixteen of said section the words "one (1%) per cent," and substituting in lieu thereof the words "two (2%) per cent," and by striking out of lines seventeen and eighteen the words "one-half (0.5%) of one per cent," and substituting in lieu thereof the words "one (1%) per cent." The tax imposed by this section shall be in addition to the tax imposed by section eighty-one of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7860], prior to the ratification of this act, only in so far as the tax imposed by this section exceeds the tax imposed by section eighty-one of chapter ninety of the Public Laws of one thousand nine hundred and nineteen, and if the tax imposed by section eighty-one of chapter ninety of the Public Laws of one thousand nine hundred and nineteen for the year one thousand nine hundred and twenty have been paid by any telephone company, such amount so paid shall be credited on the tax imposed by this section for the year one thousand nine hundred and twenty.

Rate.

Additional tax.

Credit for payment under former assessment.

Privilege tax on chair and sleeping cars.  
Report of gross receipts.

SEC. 7h. *Privilege tax on chair and sleeping cars.*

Every company operating chair cars and sleeping cars on which extra fare is charged shall make report to the State Auditor on or before the first day of October for the year one thousand nine hundred and twenty, and on or before the thirtieth day of July annually thereafter, of the gross receipts collected from passengers transported between points in this State for the preceding year ending the thirtieth of June, which shall be verified by the oath of the secretary and treasurer of such company, and the said State Auditor shall certify said amount to the State Treasurer.

Rate of taxation.

Tax on receipts.

To be paid to State treasurer.

County and municipal tax forbidden.  
Taxes on insurance, bond and investment companies.

SEC. 7i. *Rate of taxation.*

The annual license tax for operating such chair and sleeping cars within the State shall be three (3%) per cent of the gross earnings for the previous year. The tax imposed by this section shall be paid to the State Treasurer at the time of making the report provided for in the preceding section. No county, city, or town shall impose any tax under this section.

SEC. 7j. That section sixty-seven of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7844] be amended so as to hereafter read as follows:



"The officer authorized to collect the tax on insurance, bond and investment companies, associations or orders, shall collect and pay into the State Treasury charges, fees and taxes, as to a fire insurance company or association, or to any company or association, two hundred dollars. For each license issued to a life insurance company or association of companies operating a separate or distinct plant of agencies, two hundred and fifty dollars; for each license issued to an accident or insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety company or association, two hundred dollars; for each license issued to a plate glass insurance company or association, two hundred dollars; for each license issued to a boiler insurance company or association, two hundred dollars; for each license issued to a foreign mutual insurance company, two hundred dollars; for each license issued to a domestic mutual insurance company operating in not more than two counties, ten dollars; for each license issued to a fraternal order, twenty-five dollars; for each license issued to a bond, investment, dividend, guaranty, registry, title guaranty, or debenture company, two hundred dollars; for each license issued to all other insurance companies or associations, two hundred dollars: *Provided*, that so much of said license fees collected from fire insurance companies as may be necessary shall be used by the Insurance Commissioner for the prevention of fire waste and accidents. All of said companies shall pay a tax of two and one-half per centum upon the amount of their gross premium receipts in this State, with no deduction for dividends, whether returned in cash or allowed in payment or reduction of premiums, or for additional insurance, and without any deduction except for return premiums: *Provided*, that if any general agent or officer of a company shall file with the Insurance Commissioner a sworn statement showing that at least one-fourth of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz.: bonds of this State or of any county, city or town in this State, or any property situated in this State and taxable therein, or in loans to its North Carolina policyholders against the reserve on their policies, then the tax shall be one per centum upon the gross premium receipts aforesaid, and the license fee shall be one-half that named above; and if the amount so invested shall be three-fourths of its total assets, the tax shall be one-half of one per centum of its gross premium receipts and the license fee shall be one-half that named above: *Provided*, that if such company is chartered in this State and maintains its main office herein, then if the amount so invested shall be equal to its total reserve on business derived from this State, the tax shall be one-half per centum upon the gross premium receipts in this State, and the license fee shall be one-half that

License taxes.

Fire insurance companies.

Life insurance companies.

Accident insurance companies.

Marine insurance companies.  
Surety companies.

Plate glass insurance.

Boiler insurance companies.

Foreign mutual insurance companies.

Domestic mutual insurance company.

Fraternal orders.

Bond, investment, dividend, guaranty, title guaranty and debenture companies.

Other insurance companies.

Proviso: fund for prevention of fire waste and accidents.

Tax on gross premium receipts.

Proviso: deductions for investments within this State.

One-fourth of assets.

Three-fourths of one per cent.

Proviso: companies chartered by and having main office in this State.

Exemptions from further tax.

named above. Companies paying the tax levied in this section shall not be liable for franchise tax on their capital stock, and no county, city or town shall be allowed to impose any additional tax, license or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner, and by him paid into the State Treasury as provided by law."

Payment of fees and taxes.

SEC. 7k. That section four thousand seven hundred and fifteen of the Revisal of one thousand nine hundred and five [C. S., 6318] be amended to read as follows: "He shall collect annually for license issued each special or district agent or manager or organizer (including seal) five dollars; for license, including seal, to each local or canvassing agent, three dollars; but any such company having assets invested and maintained as provided in section 7j hereof shall only be charged for such license one dollar and fifty cents; and for each special agent's license, two dollars and fifty cents. In case of loss or destruction of such license the Insurance Commissioner, for a fee of fifty cents, may certify to its issuance, giving number, date and form, which may be used by the original party named therein in lieu of said original license. There shall be no charge for the seal affixed to such certificate or said license: *Provided*, this section shall not apply to members of fraternal benefit societies who are not acting as agent, and who do not make a business of soliciting new members when the reward to such members does not exceed in value one-half of the initiation fee collected for each new member."

Tax or license to insurance agents.

Duplicate licenses.

Seal tax not charged.

Proviso: members of fraternal benefit societies.

Inter-insurance companies.

SEC. 7l. That section twelve of chapter one hundred and eighty-three of the Public Laws of one thousand nine hundred and thirteen [C. S., 7844] be amended to read as follows: "Individuals, firms, and corporations exchanging reciprocal and inter-insurance contracts as provided herein, shall pay through their attorneys an annual license of one hundred dollars and two and one-half per centum of the gross premium deposits, reduced by all sums distributed among the subscribers, or credited to their account, and also other regular fees."

Cigarette and cigar dealers and manufacturers.

SEC. 7m. *Cigarette and cigar dealers and manufacturers of cigarettes and cigars.*

Tax extended to cigars.

That section seventy of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7849] be amended by inserting after the word "cigarettes" in line two of said section the words "or cigars," and by inserting after the word "cigarettes" in line ten of said section the words "or cigars."

Time for listing property.

SEC. 8. The tax upon all real and personal property shall be charged upon the tax books for the year one thousand nine hundred and twenty against the owners of such property on the first day of January, one thousand nine hundred and twenty, in accordance with the intent and purpose of chapter eighty-four of the

Public Laws of one thousand nine hundred and nineteen, and whenever in said act there is any provision requiring property to be listed for taxation after the year one thousand nine hundred and twenty on the first day of January, that such provisions are hereby amended by substituting in lieu thereof the words "first day of May," to the end that all personal property may be listed and all real property relisted as of the first day of May after the year one thousand nine hundred and twenty, under the rules and regulations as may be hereafter provided by the General Assembly: *Provided*, that incomes taxable by law shall be listed for the calendar year.

Proviso: income taxes.

SEC. 9. During the months of May and June of any year, any person, firm or corporation who owns property subject to taxation, and who files with the board of county commissioners a statement in writing and sworn to, that said property is upon the tax books assessed for taxation at an amount in excess of its true value in money, shall have the right to petition the board of county commissioners of the county in which said property is assessed, to have the same reassessed and its value for taxation lowered: *Provided*, that before taking action on any application for a reduction of assessment of real property the board of county commissioners shall cause to be posted at the courthouse door, and in three public places in each township in which the property is situated, a schedule of all such applications, giving the name of petitioner, description of property, assessed value and the value the petitioner is asking to have placed on same, and said notice shall be posted at the courthouse door for a period of ten days before any action shall be taken by the board of county commissioners on such petition: *Provided further*, that after the board of county commissioners shall have passed upon all of such applications, the board of county commissioners shall, in addition to reporting its findings to the State Tax Commission, post at the courthouse door a full statement of all changes made in the valuation of real property, giving the name of the owner, description of the property, and the original and revised valuation in each case. If said board of commissioners shall find as a fact that said property is assessed for taxation in an amount in excess of its true value in money, then they shall lower the assessed value thereon to its true value in money and shall report their action to the State Tax Commission of the State of North Carolina, and if said action on the part of said board of commissioners shall be approved by said commission, then said property shall be assessed for taxation at the new value placed thereon by said board of commissioners.

Petition for reassessment.

Proviso: advertisement of petitions.

Proviso: report to tax commission.

Advertisement of change of valuation.

Reduction of assessed value.

Report to and action by State tax commission.

The board of commissioners of any county shall, during the months of May and June of any year, have the right to raise the

County commissioners may increase assessments.

value upon any property which they shall believe to be upon the tax books at a value less than its true value in money, but before raising the value of any property for taxation they shall give the owner thereof ten (10) days notice of their intended action, and if after the hearing they shall raise the value of such property the owner shall have the right to appeal from such value so placed upon the said property to the State Tax Commission, and the decision of said State Tax Commission as to the value of said property shall be the value at which same shall be taxed: *Provided*, no property shall be reassessed under the provisions hereof previous to the year one thousand nine hundred and twenty-one.

Notice to owner.

Right of appeal.

Proviso: no re-assessment prior to 1921.

Local acts affecting fees of officers.

Sec. 10. That the amendment to section one hundred and one of chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and seventeen made by the General Assembly of one thousand nine hundred and nineteen [C. S., 8042] by inserting after the word "commission" in line thirty-one of said section the provision that "sheriffs and tax collectors shall receive for their own use, in addition to other fees or salary received by them, a commission of five per cent on all privilege and license taxes collected under schedule B of the Revenue Act," and the further provision that "any provision in any local act in conflict with this provision is hereby repealed," it was not the intention or purpose to repeal any local or general act regulating salary or fees of county officers except in so far as such local or general acts were in conflict with the provisions that sheriffs should receive for their own use a commission of five per cent on all privilege and license taxes collected under schedule B of the Revenue Act, and in all settlements heretofore and hereafter made by boards of county commissioners with sheriffs for collection of taxes under the provisions of section one hundred and one of chapter ninety-two of the Public Laws of one thousand nine hundred and nineteen [C. S., 8042] it shall be deemed and held that all such local or general acts regulating salary or fees of county officers are now, and have continued in full force and effect, except in so far as such acts are amended by the provision of section one hundred and one of chapter ninety-two of the Public Laws of one thousand nine hundred and nineteen [C. S., 8042] that sheriffs shall have a commission of five per cent on all privilege and license taxes collected under schedule B of the Revenue Act.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 2.

## AN ACT TO AMEND CHAPTER 38 OF THE PUBLIC LAWS OF 1919, AND TO PROVIDE A BUDGET SYSTEM FOR STATE EXPENDITURES.

*The General Assembly of North Carolina do enact:*

SECTION 1. From and after the convening of the General Assembly of nineteen hundred and twenty-one money shall be appropriated in the manner hereinafter set out; and from and after adjournment of the General Assembly of nineteen hundred and twenty-one money shall be disbursed from the State Treasury in the manner herein set out, and in no other way: *Provided*, that this act shall not refer to money disbursed from the State Treasury for the usual current expenses of the Executive, Legislative, and Judicial Departments.

Appropriations and disbursements from State treasury.

Proviso: executive, legislative and judicial departments.

SEC. 2. There is hereby created a commission to be known as the Budget Commission, to be composed at all times of the Governor of the State, who shall be chairman of the commission, and of the chairmen of the Committees on Appropriations and on Finance of the House of Representatives and of the Senate; the said commission to have all the powers and duties conferred by this act from and after the adjournment of this session of the General Assembly: *Provided*, that in case of a vacancy in the commission on account of death, resignation, or inability to serve, of any of the last four named members, the next ranking member of the Committee on Appropriations or Finance, as the case may be, shall succeed to membership on said commission.

Budget commission created. Members of commission.

Powers and duties.

Proviso: vacancies.

SEC. 3. That on or before the first day of November biennially in the even-numbered years such of the several State departments, bureaus, divisions, officers, commissions, institutions, and other agencies and undertakings receiving or asking financial aid from the State, or receiving funds under authority of any general law of the State, shall report to the Budget Commission, on official estimate blanks furnished for such purpose, an estimate in itemized form showing the amount needed for each year of the ensuing biennial period beginning with the first day of April thereafter. The official estimate blanks, which must be used in making these reports, shall be furnished by the Budget Commission, shall be uniform, and shall clearly designate the kind of information to be given thereon.

Estimates to be furnished by departments, bureaus, divisions, officers, commissions, institutions and other agencies and undertakings.

Estimate blanks.

Blanks to be furnished by commission.

SEC. 4. On or before the first day of November biennially in the even-numbered years the State Auditor shall furnish to the Budget Commission an estimate of the financial needs of the General Assembly, itemized in strict accordance with the budget classification adopted by the Budget Commission, and certified and approved by the presiding officer of each house, for each year of the ensuing biennial period beginning with the first day of April

Itemized estimates for general assembly to be furnished by auditor.

Certificate and approval of presiding officers.

Estimate for judiciary.

thereafter; and an estimate of the financial needs of the judiciary, as provided by law, itemized in strict accordance with the budget classification adopted by the Budget Commission, for each year of the ensuing biennial period beginning with the first day of April thereafter. The State Auditor shall transmit to the Budget Commission with these estimates full and detailed explanation of all increases or decreases.

Explanations submitted with estimates.

Classified and itemized statements to be furnished by auditor.

SEC. 5. On or before the first day of November biennially in the even-numbered years the State Auditor shall furnish to the Budget Commission the following statements, classified and itemized in strict accordance with the budget classification adopted by the Budget Commission:

Balance to credit of each appropriation.

(1) A statement showing the balance standing to the credit of the several appropriations for each department, bureau, division, officer, board, commission, or other agency or undertaking of the State at the end of the last preceding appropriation year.

Monthly expenditures and revenue for each appropriation. Total monthly expenditures and revenue.

(2) A statement showing the monthly expenditures and revenues for each appropriation account, and the total monthly expenditures and revenues from all the appropriation accounts, including special and all other appropriations, in the twelve months of the last preceding appropriation year.

Annual expenditures for each appropriation. Revenue from all sources.

(3) A statement showing the annual expenditures in each appropriation account, and the revenues from all sources, including expenditures and revenues from special and all other appropriations, for each year of the last two appropriation years, with a separate column showing the increase or decrease for each item.

Increase or decrease. Itemized financial balance sheet.

(4) An itemized and complete financial balance sheet for the State at the close of the last preceding fiscal year.

Other statements.

(5) Such other statements as the Budget Commission shall request.

Information to be furnished by departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies.

SEC. 6. The departments, bureaus, divisions, officers, boards, commissions, institutions, or other agencies or undertakings of the State, upon request, shall immediately furnish to the Budget Commission, in such form as it may require, any information desired by it in relation to their respective affairs or activities.

Public hearings.

SEC. 7. The Budget Commission shall provide for public hearings on any and all estimates to be included in the budget, which shall be held during the month of November biennially in the even-numbered years. The Budget Commission shall require the attendance at these hearings of the heads or responsible representatives of all State departments, bureaus, divisions, officers, boards, commissions, institutions, or other agencies or undertakings receiving or asking financial aid from the State.

Attendance of representatives of departments and other institutions or agencies seeking appropriations.

Time for completion of examination.

SEC. 8. On or before the fifteenth day of December biennially in the even-numbered years the Budget Commission shall have completed a careful survey of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies and undertakings of the State, through which it shall be in pos-

session of the working knowledge upon which to base its recommendation to the General Assembly.

SEC. 9. Within five days after the beginning of each regular session of the General Assembly the Budget Commission shall submit to the presiding officer of each house printed copies of a budget, based upon its own conclusions and judgment, containing a complete and itemized plan of all proposed expenditures for each State department, bureau, division, officer, board, commission, institution, or other agency or undertaking, classified by function, character, and object, and of estimated revenues and borrowings, for each year in the ensuing biennial period beginning with the first day of April thereafter. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns the amount appropriated for the last preceding appropriation year, for the current appropriation year, and the increase or decrease.

Presentation of budget.

Contents of budget.

Comparative statements.

Statements to accompany budget.

Of revenue and expenditures.

The Budget Commission shall accompany the budget with:

(1) A statement of the revenues and expenditures for each of the two appropriation years next preceding, classified and itemized in accordance with the official budget classification adopted by the Budget Commission.

(2) A statement of the current assets, liabilities, reserves, surplus, or deficit of the State.

Assets, liabilities, reserves, surplus or deficit.

Debts and funds of state.

(3) A statement of the debts and funds of the State.

(4) A statement showing the Budget Commission's itemized estimates of the condition of the State Treasury as of the beginning and end of each of the next two appropriation years.

Estimate of condition of State treasury.

(5) An itemized and complete financial balance sheet for the State at the close of the last preceding fiscal year.

Financial balance sheet.

(6) A general survey of the State's financial and natural resources, with a review of the general economic, industrial, and commercial condition of the State.

Survey of financial and natural resources.

SEC. 10. The Budget Commission shall also submit to the presiding officer of each house of the General Assembly, at the same time it submits its budget, copies of a tentative bill for all proposed appropriations of the budget, clearly itemized and properly classified, for each year in the ensuing biennial appropriation period, which shall be known as "The Budget Bill."

Budget bill.

SEC. 11. The Appropriations Committee of the House of Representatives and of the Senate shall sit jointly in open sessions while considering the budget, and shall begin such joint meetings within five days after the budget has been submitted to the General Assembly by the Budget Commission. This joint committee may cause the attendance of heads or responsible representatives of the departments, institutions, and all other agencies of the State to furnish such information and answer such questions as the joint committee shall require; and to these sessions shall be admitted, with the right to be heard, all persons interested in the

Considerations by appropriations committees.

Attendance of heads of departments, institutions and other agencies.

Attendance of persons interested.

Attendance of budget commission.

estimates under consideration. The Budget Commission, or its representatives, shall have the right to sit at these public hearings and be heard on all matters coming before the joint committee.

Pay of budget commissioners.

SEC. 12. The members of the Budget Commission other than the chairman shall receive as compensation for their services ten dollars per day for the number of days actually engaged in the performance of duties proposed by this act, and their actual traveling expenses, to be audited and approved by the State Auditor. The Budget Commission shall employ competent budget assistants and such special help as it may require to carry out the provisions of this act, and shall fix the compensation of such persons, to be paid by the State Treasurer, upon warrant of the State Auditor.

Employment of assistants and special help.

Existing requirements for reports rescinded.

SEC. 13. All laws requiring reports to be made by State departments, bureaus, divisions, officers, boards, commissions, and institutions to the General Assembly, the Legislative Reference Librarian, or to any other State Department, of a similar character to the reports herein required to be made to the Budget Commission, or any laws in conflict with or inconsistent with this act, are hereby repealed.

Conflicting laws repealed.

SEC. 14. This act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

### CHAPTER 3.

#### AN ACT TO AMEND THE MUNICIPAL FINANCE ACT AND FOR OTHER PURPOSES RELATING TO MUNICIPAL AND COUNTY FINANCES.

*The General Assembly of North Carolina do enact:*

Special election to provide revenue.

SECTION 1. If the governing body of any municipality in this State shall by resolution determine that in the judgment of such body the property taxes to be levied in such municipality, for the fiscal year beginning in the year one thousand nine hundred and twenty will not, if levied at the maximum rate fixed by law, be sufficient to provide for the needs of the municipality, the governing body may submit to the qualified voters of the municipality, at a special election to be held in the month of September, one thousand nine hundred and twenty, the question whether taxes for said year shall be levied at a higher rate. The question to be voted upon shall be stated in the notice of such election substantially as follows: "Shall the tax rate for the fiscal year beginning in the year one thousand nine hundred and twenty be \_\_\_\_ cents on the one hundred dollars value of taxable property?" and the rate to be stated in said question shall be the rate of the entire amount of property taxes proposed to be levied by the municipality

Time for election.

Question to be voted on.

Rate stated in call for election.



for said year. The election may be called by resolution of the governing body. Notice of the election shall be given by publication at least twice in some newspaper published in the municipality; or, if there be no such newspaper, then in a newspaper circulating in the municipality, the first publication to be at least twenty days before the election. The provisions of law in force at the time of such election governing the registration of voters for regular municipal elections in the municipality, and the conducting and canvassing and determining the result of such regular municipal elections, shall apply to special elections held under this act. At such special election the voters who are in favor of the levying of a tax at the rate stated in the question voted upon shall cast a ballot on which shall be written or printed the words "For Tax," and the voters who are opposed to such tax shall cast a ballot on which shall be written or printed the words "Against Tax." If a majority of the votes cast on said question shall be	Resolution for and notice of election.
"For Tax," it shall be lawful for the governing body to levy a tax for the fiscal year beginning in the year one thousand nine hundred and twenty at the rate stated in the question voted upon, notwithstanding any contrary provision in any act of the General Assembly heretofore or hereafter enacted. Any resolution passed pursuant to this section may be passed at either a regular meeting of the governing body or at a special meeting, and such a special meeting may be held at any time for said purpose.	Law governing election.
SEC. 2. In the budget of a municipality for the fiscal year beginning in the year one thousand nine hundred and twenty it shall be lawful to include an item to be known as "estimated deficit for 1920," which item shall, for the purposes of the Municipal Finance Act, be added to and deemed to be a part of the estimated revenues for said fiscal year as stated in the budget. The amount of said item shall not be more than the amount of bonds which the municipality is authorized to issue under section three of this act for the purpose of meeting a deficit of said fiscal year. Any municipality may amend its budget for said fiscal year.	Ballots.
SEC. 3. Every county and municipality in this State is hereby authorized to issue bonds for the purpose of meeting a deficit for the fiscal year beginning in the year one thousand nine hundred and nineteen, or any previous fiscal year, and for the purpose of meeting an estimated deficit for the fiscal year beginning in the year one thousand nine hundred and twenty. The term "deficit," as used in this section, means the amount by which the expenses paid or to be paid for a fiscal year exceed in amount the current revenues received or to be received for such fiscal year. The total amount of such bonds issued by any county or municipality under this act shall not exceed forty per cent of the estimated maximum amount of property taxes for the fiscal year beginning in the year one thousand nine hundred and twenty. Before issuing any bonds under this act, the governing body of the municipality or county	Effect of election.
	Resolution at regular or special meeting.
	Budget may include: "Estimated deficit."
	Limit of item.
	Amendment of budget.
	Bond issue for deficit.
	Deficit defined.
	Limit of bond issue.
	Determination of amount.

Regulations of issuance and terms.	shall ascertain and determine the amount of the deficit or deficits for which the bonds are to be issued, and such determination shall be conclusive in any suit involving the validity of the bonds. Such bonds shall be issued in the manner and upon the terms prescribed by the Municipal Finance Act for the issuance of bonds described
Bond issues by counties.	in said act as "funding bonds," except that if the bonds are county bonds they shall be issued pursuant to a resolution of the board of county commissioners. If issued by a county, they shall be authorized by resolution of the board of county commissioners. The
Specific appropriation.	proceeds of the sale of such bonds shall be used only for the payment of necessary expenses of the county or municipality, or for the payment of the indebtedness incurred for such necessary expenses.
Loans in anticipation of bond issue.	In addition to the power to issue bonds as aforesaid, every county and municipality shall have the power to borrow money and issue notes in anticipation of the issuance of such bonds, in the manner and upon the terms provided in the Municipal
Obligation of bonds.	Finance Act for the issuance of notes in anticipation of the issuance of bonds. The full faith and credit of the county or municipality, as the case may be, shall be pledged for the payment of the principal and interest of all bonds or notes issued under this section, and there shall be levied and collected annually on all taxable
Tax for principal and interest.	property in the county or municipality a tax sufficient to pay such principal and interest as they respectively become due. All indebtedness now outstanding incurred by a county or municipality for
Indebtedness validated.	necessary expenses is hereby validated, notwithstanding any want of power to incur indebtedness for the purpose for which such indebtedness was incurred, or any other defect or invalidity.
Notice for sale of bonds.	<p>SEC. 4. Section two thousand nine hundred and fifty-six of the Consolidated Statutes (constituting section thirty of the Municipal Finance Act) is hereby amended by inserting at the end of said section the following words: "The notice required by this section shall be published not only in the manner prescribed by section two thousand nine hundred and twenty, but also in a financial paper or trade journal, published within the State of North Carolina, which regularly publishes notices of the sale of municipal bonds."</p>
Statement of valuation of property.	<p>SEC. 5. Section two thousand nine hundred and forty-three of the Consolidated Statutes (constituting section nineteen of the Municipal Finance Act) is hereby amended as follows: (1) By striking out in subsection 1, subdivision d, the words "The assessed valuation of property subject to taxation by the municipality for each of the three years in which taxes were last levied, and the average thereof," and inserting in lieu thereof the following words: "The assessed valuation of property subject to taxation by the municipality for each of the fiscal years in which taxes were last levied, and the average thereof: <i>Provided, however,</i> that a state</p>
Proviso: statement for 1920.	

ment filed under this section after the first day of September, one thousand nine hundred and twenty, and before the assessed valuation for the year one thousand nine hundred and twenty-one shall have been ascertained, shall state only the assessed valuation for the year one thousand nine hundred and twenty, and a statement filed under this section after the assessed valuation for the year one thousand nine hundred and twenty-one has been ascertained, and before the assessed valuation for the year one thousand nine hundred and twenty-two has been ascertained, shall state only the assessed valuation for the years one thousand nine hundred and twenty, and one thousand nine hundred and twenty-one (the year herein referred to being the fiscal year beginning in the calendar year mentioned"; (2) and also by striking out subsection 2 of said section and inserting in lieu thereof the following:

Statement for  
1921.

"2. *Limitation of indebtedness.*—The ordinance shall not be passed unless it appears from said statement either that the net debt does not exceed seven per centum, in case said average assessed valuation is not more than ten million dollars, or five per centum in any other case, of said average assessed valuation, or that the net increase does not exceed one and one-half per centum of said average assessed valuation, or unless the bonds to be issued under the ordinance are for water, gas, electric light or power purposes, or two or more of said purposes, or for the funding or refunding a debt incurred before March seventh, one thousand nine hundred and seventeen, and for no other purpose. The expression 'average assessed valuation' shall be taken to mean the assessed valuation for the year one thousand nine hundred and twenty in cases where that assessed valuation alone is required to be stated in the sworn statement of debt. Notwithstanding any of the foregoing provisions, the ordinance may be passed if it appears from said statement that the net debt is within seven per centum of ten million dollars, in the case of a municipality having an assessed valuation of more than ten and less than fifteen million dollars."

Limitation of  
indebtedness.

"Average  
assessed valuation"  
defined.

SEC. 6. No county in this State shall incur bonded indebtedness in an amount exceeding five per cent of the assessed valuation of taxable property in the county as ascertained by the last assessment previous to the incurring of any new bonded indebtedness.

Limitation on  
county indebted-  
ness.

SEC. 7. All bonds hereafter issued by any county, city, town, township, school district, or other political subdivision of this State shall be advertised for sale in the manner provided by the Municipal Finance Act as amended by this act, for the sale of municipal bonds.

Advertisement  
for sale of bonds.

SEC. 8. Section two thousand nine hundred and sixty-three of the Consolidated Statutes (constituting section thirty-seven of the Municipal Finance Act) is hereby amended so as to read as follows: "2963. Limitation of tax for general purposes. For municipal pur-

Limitation on  
tax rate.

poses other than the payment of the principal or interest of bonds or notes the governing body shall have the power, and is hereby authorized, to levy and collect an annual *ad valorem* tax on all taxable property in the municipality at a rate not exceeding fifty cents on the one hundred dollars valuation of said property: *Provided*, that, with the approval of the Municipal Board of Control, such taxes may be levied at a higher rate, but not in excess of the maximum rate fixed for all taxing districts by general law enacted in the year one thousand nine hundred and twenty."

Proviso: emergency rate.

SEC. 9. Section two thousand nine hundred and forty-three of the Consolidated Statutes (constituting section nineteen of the Municipal Finance Act) is hereby amended by inserting immediately after clause (5) of subdivision b of the subsection 1 of said section a new clause which shall read as follows: "(6) The amount of bonded debt included in the gross debt and incurred for the acquisition or construction of a passenger station, and lands therefor, for the use of any railroad company or companies, where such railroad company or companies operate and use such passenger station under a contract with the municipality whereby such railroad company or companies are required to pay as monthly rentals to the municipality or its trustee sums sufficient to pay the principal and interest of such bonded debt."

Debt incurred for railroad station.

SEC. 10. Section two thousand seven hundred and eighty-seven of the Consolidated Statutes is hereby amended by adding at the end thereof the following: "39. To enter into a contract with a railroad company or companies for the construction and acquisition, at the expense of the municipality, of a passenger station in the municipality, and all such appurtenances and accessories thereof, and lands thereof, as may be agreed upon, and for the use and operation of such passenger station by such company or companies, and for the payment by such company or companies to the municipality, or to a trustee, for the use and occupation of such passenger station, by a periodical rental, of sums of money sufficient to pay the principal and interest of bonds of the municipality which may be issued for the purpose of meeting the expense of such construction and acquisition, and to make all necessary expenditures for carrying out such contract. Such contract may provide that such passenger station and lands so constructed and acquired shall be held by a trustee to secure the payment of such bonds, and that upon the payment of such bonds all right, title and interest of the municipality in such property shall be vested in such company or companies."

Contracts for construction of passenger station.

Rental.

Security for payment of bonds.

Title to vest on payment of bonds.

Bonds for improvements.

SEC. 11. Section two thousand nine hundred and thirty-seven of the Consolidated Statutes (constituting section sixteen of the Municipal Finance Act) is hereby amended by striking out the word "public" before the word "improvement" in subsection 1 of said section.

SEC. 12. The term municipality as used in this act means only a city or a town. Municipality defined.

SEC. 13. All acts and parts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 14. This act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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### CHAPTER 4.

#### AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES RELATING TO THE TERMS OF COURT IN YANCEY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes be and the same is hereby amended by adding after the clauses affecting terms of court in Yancey county the following: "This term of court to continue for two weeks." Duration of term.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 16th day of August, A. D. 1920.

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### CHAPTER 5.

#### AN ACT TO MAKE THE DECEMBER TERM OF BURKE COUNTY SUPERIOR COURT A MIXED TERM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six, Public Laws of one thousand nine hundred and thirteen [C. S., 1443] be amended so far as the same applies to the courts of Burke County, as follows: "Thirteenth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal and civil cases"; that the other terms provided for therein shall be and remain as fixed by statute. Duration and jurisdiction.

SEC. 2. That this act shall apply to Burke County only.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 16th day of August, A. D. 1920.

## CHAPTER 6.

AN ACT RELATING TO THE DISTRIBUTION OF CERTAIN FUNDS COMING FROM THE SALE OF THE FOREST LANDS FOR SCHOOL AND ROAD PURPOSES AMONG THE COUNTIES OF JACKSON, HAYWOOD, MACON AND OTHER COUNTIES.

*The General Assembly of North Carolina do enact:*

Distribution of funds.

SECTION 1. That all funds paid by the National Forest Commission, by authority of the Act of Congress, approved May twenty-third, one thousand nine hundred and eight (thirty-five Stat., two hundred and sixty), for the counties of Avery, Buncombe, Burke, Haywood, Henderson, Jackson, Macon, Swain, Transylvania, Watauga, and Yancey, shall be paid to the treasurers, or to the men acting as such, of the above-named counties, for the use and benefit of the school fund and road fund of each county.

Future receipts.

SEC. 2. That all funds which may hereafter come into the hands of the State Treasurer from like sources be likewise distributed.

SEC. 3. This act shall be in force from its ratification.

Ratified this 16th day of August, A. D. 1920.

## CHAPTER 7.

AN ACT TO AMEND CHAPTER 312, SECTION 13A, PUBLIC LAWS 1919, BY STRIKING OUT THE WORD "CLAY" IN LINE EIGHT OF SAID SECTION.

*The General Assembly of North Carolina do enact:*

Clay stricken out.

SECTION 1. That chapter three hundred and twelve, section 13a, Public Laws of nineteen hundred and nineteen [C. S., 3633] be and the same is hereby amended by striking out the word "Clay" in line eight of said section.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 20th day of August, A. D. 1920.

## CHAPTER 8.

### AN ACT FOR THE RELIEF OF MRS. SARAH OWENS, OF GATES COUNTY.

Whereas, Mrs. Sarah Owens, of Gates County, is the widow of Benjamin P. Owens, a Confederate veteran, and is a woman deserving of the benefits accruing to the widows of Confederate veterans under our law; and

Whereas, the said Sarah Owens was not married until after the time now prescribed by law for widows to have the benefits of such pensions; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Mrs. Sarah Owens be and she is hereby allowed the regular pension accruing to the widows of Confederate veterans under the pension laws of this State.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. Sarah Owens upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 20th day of August, A. D. 1920.

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## CHAPTER 9.

### AN ACT FOR THE RELIEF OF MRS. EMILY W. FAGAN, OF CHOWAN COUNTY.

Whereas, Mrs. Emily W. Fagan, of Chowan County, is the widow of Levi Ives Fagan, a Confederate veteran, and is a woman deserving of the benefits accruing to the widows of Confederate veterans under our law; and

Whereas, the said Emily W. Fagan was not married until after the time now prescribed by law for widows to have the benefits of such pensions; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Mrs. Emily W. Fagan be and she is hereby allowed the regular pension accruing to the widows of the Confederate veterans under the pension laws of this State.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. Emily W. Fagan upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 20th day of August, A. D. 1920.

### CHAPTER 10.

#### AN ACT PLACING THE NAMES OF JOHANNAH CUNNINGHAM AND OTHERS ON THE PENSION ROLL OF MACON COUNTY.

*The General Assembly of North Carolina do enact:*

Names to be placed on rolls.

SECTION 1. That the names of Johannah Cunningham, Lillie Morgan, M. A. Guy, and Mary Jacobs be and the same are hereby placed on the Confederate pension roll for Macon County for widows of Confederate veterans.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 20th day of August, A. D. 1920.

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### CHAPTER 11.

#### AN ACT TO AMEND CHAPTER 103 OF THE PUBLIC LAWS OF 1919, CONFERRING AUTHORITY FOR ISSUANCE OF COUNTY BONDS TO CONSTRUCT BRIDGES ACROSS ANY STREAM CONSTITUTING THE STATE LINE.

*The General Assembly of North Carolina do enact:*

Work extended.

SECTION 1. That the Public Laws of North Carolina of one thousand nine hundred and nineteen, chapter one hundred and three [C. S., 3773-3774] be amended by adding after the word "bridge" in line six of section one the words "including approaches," and by inserting between the word "banks" and the word "of" in line five of section two the words "including approaches."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 20th day of August, A. D. 1920.

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### CHAPTER 12.

#### AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY TO APPROPRIATE COUNTY FUNDS FOR THE ERECTION OF A MONUMENT TO THE MEMORY OF THE SOLDIERS AND WOMEN OF THE CONFEDERACY.

*The General Assembly of North Carolina do enact:*

Appropriation authorized.

Amount.

SECTION 1. That the board of county commissioners of Caswell County be and they are hereby authorized and empowered to appropriate out of the general funds of Caswell County the sum of



one thousand dollars, to be used by the committee hereinafter nominated in erecting a monument to the memory of the soldiers and the women of the Confederacy. Use of appropriation.

SEC. 2. That five hundred dollars of the aforesaid sum shall be appropriated out of the funds raised by the tax levy of one thousand nine hundred and twenty and five hundred dollars appropriated out of the funds raised from the tax levy of one thousand nine hundred and twenty-one. Apportionment of funds.

SEC. 3. That to administer the aforesaid fund and properly apply it for the purposes aforesaid, the following committee is nominated: Mrs. T. J. Florance, chairman; Mrs. G. A. Anderson, secretary and treasurer; Mrs. N. R. Claytor, Miss Mary W. Brown, Miss Bessie Thompson. The aforesaid committee is authorized to direct the expenditure of the appropriation and to disburse, for the purposes herein mentioned, the funds delivered to them by the county commissioners of Caswell County. The aforesaid committee in all of its actions shall deliberate and consult with the following advisory committee: Hon. George L. Williamson, R. W. Duncan, Thomas W. Saunders. Administration committee.

SEC. 4. The board of county commissioners of Caswell County is hereby authorized and empowered to deliver to the above committee the funds appropriated by it under the provisions of this act for the purposes named herein. Powers of committee.

SEC. 5. That the appropriation named herein shall be used only for the erection of a monument in the center of the public square of Yanceyville, Caswell County, facing the main entrance door of the Caswell County courthouse. Advisory-committee.

SEC. 6. That this act shall be in force from and after its ratification. Delivery of appropriation.

Ratified this 20th day of August, A. D. 1920.

## CHAPTER 13.

### AN ACT TO PROVIDE FOR THE HOLDING OF SUPERIOR COURTS IN THE EIGHTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Superior Courts of the Eighth Judicial District, composed of New Hanover County, Pender County, Columbus County, and Brunswick County, shall be held at the following times, to wit: Schedule of costs.

*New Hanover County.*—Seventh Monday before the first Monday of March, to continue one week, for the trial of criminal cases only; fourth Monday before the first Monday of March, to continue two weeks, for the trial of civil cases only; third Monday after the first Monday of March, to continue one week, for the New Hanover county.

trial of criminal cases only; fifth Monday after the first Monday of March, to continue two weeks, for the trial of civil cases only; ninth Monday after the first Monday of March, to continue one week, for the trial of criminal cases only; eleventh Monday after the first Monday of March, to continue two weeks, for the trial of civil cases only; fourteenth Monday after the first Monday of March, to continue one week, for the trial of criminal cases only; second Monday after the first Monday of September, to continue one week, for the trial of criminal cases only; sixth Monday after the first Monday of September, to continue two weeks, for the trial of civil cases only; tenth Monday after the first Monday of September, to continue one week, for the trial of criminal cases only; fourteenth Monday after the first Monday of September, to continue one week, for the trial of civil cases only.

Pender county.

*Pender County.*—Third Monday after the first Monday of September, to continue one week, for the trial of criminal and civil cases; eighth Monday after the first Monday of September, to continue two weeks, for the trial of civil cases only; sixth Monday before the first Monday of March, to continue one week, for the trial of criminal and civil cases; first Monday after the first Monday of March, to continue two weeks, for the trial of civil cases only; thirteenth Monday after the first Monday of March, to continue one week, for the trial of criminal and civil cases.

Columbus county.

*Columbus County.*—First Monday before the first Monday of September, to continue two weeks, for the trial of criminal and civil cases; eleventh Monday after the first Monday of September, to continue two weeks, for the trial of civil cases only; fifteenth Monday after the first Monday of September, to continue one week, for the trial of criminal cases only; fifth Monday before the first Monday of March, to continue one week, for the trial of criminal and civil cases; second Monday before the first Monday of March, to continue two weeks, for the trial of civil cases only; seventh Monday after the first Monday of March, to continue two weeks, for the trial of criminal and civil cases.

Brunswick county.

*Brunswick County.*—First Monday after the first Monday of September, to continue one week, for the trial of civil cases only; fifth Monday after the first Monday of September, to continue one week, for the trial of criminal and civil cases; thirteenth Monday after the first Monday of September, to continue one week, for the trial of civil cases only; second Monday after the first Monday of March, to continue one week, for the trial of criminal and civil cases; fifteenth Monday after the first Monday of March, to continue one week, for the trial of civil cases only: *Provided*, that this act shall not apply to Brunswick County until September 15th, nineteen hundred and twenty.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 20th day of August, A. D. 1920.

## CHAPTER 14.

AN ACT AUTHORIZING THE PENSION BOARD OF CLAY COUNTY TO PLACE THE NAMES OF MRS. LASSIE HYATT AND MRS. HATTIE MOORE ON THE PENSION ROLL OF CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Pension Board of Clay County is hereby authorized and directed to place the names of Mrs. Lassie Hyatt and Mrs. Hattie Moore on the pension roll of Clay County.

Names to be placed on pension rolls.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 15.

AN ACT TO AMEND CHAPTER 138, PUBLIC LAWS OF 1919, SO AS TO AUTHORIZE THE SEVERAL COUNTIES OF NORTH CAROLINA TO PURCHASE TOLL BRIDGES FROM PRIVATE OWNERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and nineteen [C. S., 3834] be and the same is hereby amended as follows: (a) By inserting the words "toll bridge or bridges" between the words "a" and "ferry" in line two of section one thereof; (b) by inserting the words "toll bridge or bridges" between the words "said" and "ferry" in line seven of section one thereof; (c) by inserting the words "toll bridge or bridges" between the words "said" and "ferry" in line eight of section one thereof; (d) by inserting the words "toll bridge or bridges" between the words "said" and "ferry" in line two of section two thereof; (e) by inserting the words "toll bridge or bridges" between the words "property" and "ferry" in line thirteen of section two thereof; (f) by inserting the words "toll bridge or bridges" immediately after the word "said" at the end of line one of section three thereof; (g) by inserting the words "toll bridge or bridges" between the words "said" and "ferry" in line eighteen of section three thereof; (h) by inserting the words "toll bridge or bridges" between the words "said" and "ferry" in line eighteen of section three thereof; (i) by inserting the words "toll bridge" immediately after the word "the" and "ferry" in line two of section four thereof; (j) by inserting the words "toll bridge" immediately after the word "ferry" in line four of section four thereof; (k) by inserting the words "toll bridge or bridges" between the words "said" and

Powers of counties as to county line streams extended to toll bridges.

“ferry” in line nine of section four thereof; (l) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line sixteen of section four thereof; (m) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line sixteen of section four thereof; (n) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line two of section six thereof; (o) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line six of section six thereof; (p) by inserting the words “toll bridge or bridges” immediately after the word “said” at the end of line one of section seven thereof; (q) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line three of section seven thereof; (r) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line four of section seven thereof; (s) by inserting the words “toll bridge or bridges” between the words “said” and “ferry” in line three of section eight thereof; (t) by inserting the words “toll bridge or bridges or” between the words “the” and “ferry” in line one of section nine thereof; (u) by inserting the words “toll bridge or bridges or” between the words “said” and “ferry” in line seven of section nine thereof; (v) by inserting the words “toll bridge or bridges or” between the words “said” and “ferry” in line seventeen of section nine thereof.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 16.

### AN ACT TO EXEMPT AVERY COUNTY FROM THE OPERATION OF PRIMARY LAW.

*The General Assembly of North Carolina do enact:*

Exemption for  
Avery county.

SECTION 1. That section thirty-four, chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen [C. S., 6054] be and the same is hereby amended by inserting in line six between the words “Alleghany” and “Beaufort” the word “Avery.”

Sec. 6054, Consol-  
idated Statutes.

SEC. 2. That this act shall be amendatory to such sections of the Consolidated Statutes as may incorporate and embrace section thirty-four, chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen.

Repealing clause.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 17.

## AN ACT TO AMEND CHAPTER 272 OF THE PUBLIC LAWS OF 1919 RELATING TO THE USE AND SALE OF NARROW-TIRED WAGONS IN DURHAM AND VANCE COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of chapter two hundred and seventy-two of the Public Laws of nineteen hundred and nineteen [C. S., 3792—note] be and it is hereby amended by striking out the word "Vance" in line three of said section and the words "and Durham" in line four of said section and adding before the word "Currituck" in said line four the word "and."

Vance stricken out.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 18.

## AN ACT TO PROVIDE FOR THE REGISTRATION AND VOTING OF WOMEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "male" in line two of section five thousand nine hundred and thirty-seven of the Consolidated Statutes of North Carolina be stricken out.

"Male" stricken out.

SEC. 2. That sections five thousand nine hundred and forty-one and five thousand nine hundred and forty-two of the Consolidated Statutes of North Carolina shall not apply to women.

Sections not applicable to women.

SEC. 3. That nothing in any of the laws of North Carolina shall be so construed as to prevent the registration and voting of women twenty-one years of age and having the other qualifications for registration and voting as provided for men for the year one thousand nine hundred and twenty.

Law not to be construed to prevent voting of women.

SEC. 4. That for the purpose of the registration and voting of women, the residence of a married woman living with her husband shall be where her husband resides, and of a woman living separate and apart from her husband or where for any reason her husband has no legal residence in this State, then the residence of such woman shall be where she actually resides.

Residence of woman.

SEC. 5. That this act shall apply to all primaries and elections.

All primaries and elections.

SEC. 6. That this act shall be in force and effect from and after the legal ratification of the Nineteenth Amendment to the Constitution of the United States: *Provided, however,* that this act shall be inoperative in the event the court of last resort shall declare said ratification illegal.

When act effective.

Proviso: inoperative if court declare ratification illegal.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 19.

## AN ACT TO AMEND CHAPTER 66 OF THE PUBLIC LAWS OF NORTH CAROLINA OF 1915 RELATING TO THE TIME OF HOLDING COURTS FOR TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter sixty-six of the Public Laws of North Carolina of one thousand nine hundred and fifteen [C. S., 1443] be amended as follows: By striking out all of said section one after the word "September" in line ten of said section, and adding in lieu thereof the following, to wit:

Terms of court.

"Each to continue for two weeks; twelfth Monday after the first Monday in September, to continue for three weeks."

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 20.

## AN ACT TO AMEND SECTION 4481 OF THE CONSOLIDATED STATUTES RELATING TO LANDLORD AND TENANT.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section four thousand four hundred and eighty-one of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding after the word "Halifax" the word "Rockingham."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 21.

## AN ACT TO AMEND SECTION 2151 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Custody and tuition of infants.

SECTION 1. That section two thousand one hundred and fifty-one of the Consolidated Statutes of North Carolina be amended by inserting in line eight between the words "appointment" and "then" the words as follows: "or has wilfully abandoned his wife."

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 22

## AN ACT TO AMEND SECTION 106, CHAPTER 92, PUBLIC LAWS OF 1919, IN REFERENCE TO PENALTIES INCURRED BY SHERIFFS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one hundred and six of chapter ninety-two, Public Laws of nineteen hundred and nineteen, the Machinery Act [C. S., 8046] be and the same is hereby amended by adding at the end of said section the following words: "That penalties and forfeitures incurred by sheriffs in settlement of the State taxes due by the counties under the provisions of this act may be relinquished in like manner by the Treasurer with the advice and approval of the Attorney-General." Treasurer may remit penalties.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 23.

## AN ACT RELATIVE TO HOLDING COURTS IN TYRRELL AND CURRITUCK COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter one hundred and twenty-eight, Public Laws of nineteen hundred and nineteen [C. S., 1443] be amended as follows: Strike out the words in fourth and fifth lines "two weeks, the second week for the trial of civil cases exclusively" and insert in lieu thereof "one week for the trial of criminal and civil cases." Strike out the word "fourth" in line six thereof and insert in lieu thereof "fifth"; strike out the word "September" in line six and insert in lieu thereof "March." Tyrrell county. March term. Spring term.

SEC. 2. That section two, chapter fifty-one, Public Laws Extra Session of nineteen hundred and thirteen, subsection A [C. S., 1443] be amended by striking out the words "fifth Monday before the first Monday in March" and insert in lieu thereof the following: "eighth Monday after the first Monday in March." Currituck county.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 24.

AN ACT TO AMEND CHAPTER 90, PUBLIC LAWS 1919, IN REGARD TO INHERITANCE TAX ON NONRESIDENT ESTATES, AND ON ESTATES PASSING BY POWER OF APPOINTMENT, AND TO DEFINE THE WORDS "ESTATE" AND "PROPERTY" AND "TRANSFER" WHEREVER USED IN SAID ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter ninety, Public Laws one thousand nine hundred and nineteen, be amended by inserting after section eleven of said act, to be known as section twelve of said act, the following [C. S., ch. 113, Art. 2, Part 2]:

Tax on property  
of nonresident  
decendent.

"A tax shall be assessed on the transfer of property made subject to tax as aforesaid in this State of a nonresident decendent if all or any part of the estate of such decendent, wherever situated, shall pass to persons or corporations taxable under this act, which tax shall bear the same ratio to the entire tax which the said estate would have been subject to under this act if such nonresident decendent had been a resident of this State, and all his property, real and personal, had been located within this State, as such taxable property within this State bears to the entire estate, wherever situated: *Provided*, that nothing in this clause contained shall apply to any specific bequest or devise of any property in this State."

Ratio of tax.

Proviso: specific  
devise.

SEC. 2. That chapter ninety, Public Laws one thousand nine hundred and nineteen be amended by inserting after the first paragraph of subsection seven of section six [C. S., 7776] the following paragraphs:

"Estate" and  
"property" de-  
fined.

"The words 'estate' and 'property' wherever used in this act, except where the subject or context is repugnant to such construction, shall be construed to mean the interest of the testator, intestate, grantor, bargainor or vendor, passing or transferred to the individual or specific legatee, devisee, heir, next of kin, grantee, donee or vendee, not exempt under the provisions of this act, whether such property be situated within or without this State. The word 'transfer' as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by distribution, by statute, descent, devise, bequest, grant, deed, bargain, sale or gift.

"Transfer" de-  
fined.

Exercise of power  
of appointment  
deemed transfer.

"Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will;



and whenever any person or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, the whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure. The words 'such property or any part thereof or interest therein within this State' shall include in its meaning bonds and shares of stock in any incorporated company incorporated in this State, regardless of whether or not any such incorporated company shall have any or all of its capital stock invested in property outside of this State and doing business outside of this State, and the tax on the transfer of any bonds or shares of stock in any such incorporated company owning property and doing business outside of this State shall be paid before waivers are issued for the transfer of such bonds or shares of stock as hereinabove provided for."

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 4. That this act shall be in force from and after ratification.

Ratified this 24th day of August, A. D. 1920.

CHAPTER 25.

AN ACT TO AMEND CHAPTER 74 OF PUBLIC-LOCAL LAWS OF 1917.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy-four, Public-Local Laws of one thousand nine hundred and seventeen [C. S., c. 70, art. 14] be and the same is hereby amended by striking out section seven and inserting in lieu thereof a new section as follows: Law amended.

"Sec. 7. The Central Highway Commission shall meet as soon as practicable after each biennial election of members of that body, not later than the first Monday in the next succeeding month, and organize by the election of a chairman, a secretary, and a treasurer, each to hold office for two years, or until their successors are elected and qualified, and the treasurer need not be a member of the said highway commission. Before entering upon the discharge of their official duties each member of the highway commission and the treasurer shall take an oath to faithfully and honestly discharge the duties of their said offices respectively. The said Central Highway Commission shall meet at least once a

Central Highway Commission to meet and organize.  
Term of officers.  
Treasurer.  
Members of commission and treasurer to qualify.  
Meetings of commission.

- month in Roxboro, and at such other times as may be necessary, and the members thereof shall receive the sum of three dollars per diem and mileage when in the actual performance of their duties. The said Central Highway Commission shall be, and it is hereby constituted, a body corporate, and may sue and be sued, make contracts, acquire real and personal property by gift, purchase, or devise; hold, exchange, or sell the same, and exercise such other rights and privileges as are incident to the powers conferred upon it by law. It shall be the duty of the said Central Highway Commission, and it is hereby vested with the authority and power to locate, lay out, construct, improve and maintain the public roads of the county, and it shall employ when necessary the services of one or more engineers, purchase and hold or contract for the use of such teams, machinery, implements, and stock as it may deem necessary, and have all other rights and powers for the location, laying out, construction, control, and management of the public roads of said county as was formerly vested in the board of county commissioners of Person County, either by general or special statutes: *Provided*, that nothing contained herein shall be construed to vest the power to levy tax in said Central Highway Commission. In the performance of its duties the said Central Highway Commission, under such rules and regulations as it may promulgate, may employ the assistance or obtain the advice of the several township highway commissions with reference to the roads in their townships respectively: *Provided, however*, that this shall in no way affect the power of the said Central Highway Commission to make final and conclusive determination of all matters concerning the location, laying out, construction and maintenance of all public roads in the county and in the several townships thereof."
- Pay of commis-  
sioners.
- Commission  
incorporated.  
Corporate  
powers.
- Duty, authority  
and powers of  
commission.
- Engineers.
- Proviso: power  
to levy tax not  
vested.
- Assistance and  
advice of town-  
ship commission.
- Proviso: powers  
of central com-  
mission final.
- Meetings of cen-  
tral commission  
with township  
commissions.
- Meetings of town-  
ship commissions.
- Pay of township  
commissioners.
- Use of motor  
trucks and  
tractors.
- SEC. 2. In addition to their regular biennial meetings for the purpose of electing members of the Central Highway Commission of Person County, the said highway commissioners of the several townships shall meet in a body in Roxboro at such time or times as they may be called together by order of the said Central Highway Commission. The highway commissioners of the several Roxboro, in accordance with the rules and regulations which may from time to time be made and promulgated by the said Central townships shall hold meetings in their respective townships, or in Highway Commission. For such time as they may be actually engaged in their official duties the members of the said township highway commissions shall be allowed the sum of two dollars and fifty cents per diem and mileage.
- SEC. 3. It shall be unlawful for any person, firm or corporation to drive any tractor, having cleats on its wheels, over any improved road of Person county, or to run loaded wagons, trucks, or other vehicles drawn by a tractor of any kind over any improved road of said county, without first having obtained the permission

of the Central Highway Commission of Person County; or to drive a motor truck having chains on one or more of its wheels over any improved road of said county: *Provided*, that this shall not apply to trucks having a capacity of less than one ton.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and in addition thereto shall be liable for any injury to said roads by reason of such unlawful use.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 20th day of August, A. D. 1920.

Proviso: trucks of one ton capacity.

Violation of section misdemeanor. Punishment.

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## CHAPTER 26.

AN ACT TO AMEND SECTIONS 4480 AND 4481 OF THE CONSOLIDATED STATUTES RELATING TO LANDLORDS AND TENANTS VIOLATING CONTRACTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That sections four thousand four hundred and eighty and four thousand four hundred and eighty-one of the Consolidated Statutes be and the same is hereby amended by adding at the end of each of said sections the word "Lee."

Lee county stricken from law.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 27.

AN ACT TO RATIFY AND CONFIRM SALES OF REAL PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all sales of real property made prior to February tenth, nineteen hundred and five, by mortgagees and trustees under powers of sale contained in any mortgage or deed of trust in compliance with the powers, terms, conditions and advertisement set forth and required in any such mortgage or deed of trust, are hereby in all respects ratified and confirmed: *Provided*, this act shall not apply to pending litigation.

Sales by mortgagees and trustees confirmed.

Proviso: pending litigation.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 28.

AN ACT TO AMEND SECTION 1494 OF THE CONSOLIDATED STATUTES RELATING TO SERVICE ON FOREIGN CORPORATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend section one thousand four hundred and ninety-four of the Consolidated Statutes by adding at the end thereof the following:

Proviso: agent  
collecting money,  
process agent.

“*Provided*, that any foreign corporation having no process agent in this State, but having an agent who collects money for it, said agent shall be deemed a process agent within the terms of this section, and that this proviso shall apply to existing claims as well as those arising hereafter. Such service can be made in respect to a foreign corporation only when it has property, or the cause of action arose, or the plaintiff resides in this State, or when it cannot be made personally within the State upon the president, treasurer, or secretary thereof.”

Validity of  
service.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 29.

AN ACT TO CONSOLIDATE THE SIXTH MONDAY AFTER THE FIRST MONDAY OF MARCH AND SEVENTH MONDAY AFTER THE FIRST MONDAY OF MARCH INTO ONE TERM OF SUPERIOR COURT OF PITT COUNTY FOR THE TRIAL OF CRIMINAL AND CIVIL CASES.

[C. S., 1443.]

*The General Assembly of North Carolina do enact:*

Terms consoli-  
dated.

SECTION 1. That the two weeks of the Superior Court of Pitt County, beginning the sixth Monday after the first Monday of March and the seventh Monday after the first Monday of March be and constitute one term of the Superior Court of Pitt County for the trial of criminal and civil cases.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

Repealing  
clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 30.

AN ACT FOR THE RELIEF OF W. R. FREEMAN, AN EX-CONFEDERATE SOLDIER, OF YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. R. Freeman, an ex-Confederate soldier of Yadkin County, who is now on the pension roll of said county in the fourth class, be placed in the first class on the pension roll of Yadkin County, and draw ten dollars per month.

To be placed in first class.

Pension.

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 31.

AN ACT RELATING TO CHAPTER 272, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATIVE TO WIDE TIRES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-two of the Public Laws of one thousand nine hundred and nineteen [C. S., 3792—note] be and the same is hereby amended by striking out the word "Pasquotank" in line three of section five thereof.

Pasquotank county stricken out.

Sec. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 32.

AN ACT TO AMEND PARAGRAPH 1, SECTION 6, CHAPTER 90, PUBLIC LAWS OF 1919, RELATIVE TO INHERITANCE TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That paragraph one, section six, chapter ninety, of the Public Laws of one thousand nine hundred and nineteen [C. S., 7772, subsec. 1], be amended by adding after the word "aforesaid" and before the word "at" in line four of said paragraph the following, to wit: "or where the person to whom such property shall be devised or bequeathed stood in the relation of child to the person who died possessed of such property aforesaid ;

Person standing in relation of child to descendant.

Application of  
rule.  
Determination by  
clerk.

and shall apply to all cases where the taxes have not been paid, and the clerk of the Superior Court shall determine whether any person to whom property is so devised or bequeathed stands in the relation of child to the decedent."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 25th day of August, A. D. 1920.

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### CHAPTER 33.

AN ACT TO AMEND CHAPTER 505 OF THE PUBLIC LOCAL LAWS OF 1917 RELATING TO SALARY OF SHERIFF OF HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of sberiff

SECTION 1. That section four of chapter five hundred and five of the Public Local Laws of one thousand nine hundred and seventeen be and the same is hereby amended by striking out the word "twelve" in line seven of said section and inserting in lieu thereof the word "eighteen."

Repealing clause.

SEC. 2. That all laws and clauses of laws, in so far as they conflict with this act, are hereby repealed.

When act  
effective.

SEC. 3. That this act shall be in force from and after the first Monday in December, one thousand nine hundred and twenty.

Ratified this 25th day of August, A. D. 1920.

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### CHAPTER 34.

AN ACT FOR THE RELIEF OF NANCY E. SALMON, WIDOW OF J. P. SALMON, A CONFEDERATE VETERAN, COMPANY H, 50TH REGIMENT, NORTH CAROLINA TROOPS.

Preamble.

Whereas, J. P. Salmon, late of Harnett County, a member of Company H, Fiftieth Regiment, North Carolina Troops, was placed on the pension roll in the fourth class; and

Preamble.

Whereas, the said J. P. Salmon died in the fall of one thousand nine hundred and eighteen, leaving his widow, who is over eighty years of age; and

Preamble.

Whereas, the said widow, Nancy E. Salmon, had her application for a pension acted upon favorably by the pension board of Harnett County at the regular meeting in July, one thousand nine hundred and nineteen; and

Whereas, the said application, after having been favorably Preamble.  
passed upon by the said board, was misplaced, and the Auditor's  
office has never received same:

Now, therefore, in order to give relief to this worthy old lady,  
and to give her what she is justly entitled to,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Auditor is hereby authorized to issue Auditor to issue  
a pension warrant in favor of Nancy E. Salmon, a Confederate pension warrant.  
widow of Harnett County, for the sum of sixty dollars, being the  
amount to which she is entitled to for the two halves of the years  
one thousand nine hundred and nineteen and one thousand nine  
hundred and twenty.

SEC. 2. That this act shall be in force from and after its rati-  
fication.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 35.

AN ACT TO CORRECT SECTION 3971 OF THE MAGISTRATES'  
EDITION OF THE CONSOLIDATED STATUTES OF NORTH  
CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "unlawful" be stricken out and the Trade marks.  
word "lawful" be substituted therefor in line one of section three  
thousand nine hundred and seventy-one of the Magistrates' Edi-  
tion of the Consolidated Statutes of North Carolina.

SEC. 2. That this act shall be in effect from and after its rati-  
fication.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 36.

AN ACT FOR THE RELIEF OF AB WHITE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Ab White, a Confederate soldier of Surry Name placed on  
County, a member of the Home Guard of said county, be placed pension list.  
on the pension roll of Surry County as a fourth-class pensioner  
and be paid as other fourth-class pensioners are now paid.

SEC. 2. That this act shall be in force from and after its rati-  
fication.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 37.

AN ACT TO AMEND CHAPTER 116, LAWS OF 1919 [C. S., Sec. 1674], AND TO PROVIDE FOR FURNISHING TAX TAGS FOR DOGS.

*The General Assembly of North Carolina do enact:*

Tags for listed dogs.

SECTION 1. That section two and one-half of chapter one hundred and sixteen, Laws of one thousand nine hundred and nineteen, be amended by striking out in line six the words "Commissioner of Agriculture," and inserting in lieu thereof the words "Superintendent of Public Instruction."

Repealing clause.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 25th day of August, A. D. 1920.

## CHAPTER 38.

AN ACT TO AMEND CHAPTER 312 OF THE PUBLIC LAWS OF 1919 RELATING TO PUBLIC ROADS IN AVERY COUNTY.

*The General Assembly of North Carolina do enact:*

Avery stricken out.

SECTION 1. That section 13a of chapter three hundred and twelve of the Public Laws of one thousand nine hundred and nineteen [C. S., 3633] be and the same is hereby amended by striking out in line five thereof the word "Avery."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 39.

AN ACT TO PROVIDE FOR THE HOLDING OF SUPERIOR COURTS IN THE FOURTEENTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eighty-seven, section one of the Public Laws of one thousand nine hundred and nineteen [C. S., 1443] be and the same is hereby amended so as hereafter said section shall read as follows:



"The Superior Courts of the Fourteenth Judicial District, composed of Gaston County and Mecklenburg County, shall be held at the following times, to wit:

"*Gaston County.*—Seventh Monday before the first Monday in Gaston county. March; sixth Monday after the first Monday in March; thirteenth Monday after the first Monday in March; second Monday before the first Monday in September; seventh Monday after the first Monday in September; each for the trial of criminal cases exclusively; sixth Monday before the first Monday in March; second Monday after the first Monday in March; second Monday after the first Monday in September; thirteenth Monday after the first Monday in September; each to continue for two weeks, for the trial of civil cases exclusively; third Monday before the first Monday in September for the trial of civil cases only: *Provided*, that the board of commissioners of Gaston County may in their discretion, by an order at their regular meeting held on the first Monday in July in any year, dispense with the term of court for the third Monday before the first Monday in September.

"Judgments by default final and by default and inquiry may be taken at any of the criminal terms of the Superior Courts of Gaston County in the manner provided by law for such judgments. Judgments by default at criminal terms.

"*Mecklenburg County.*—Eighth Monday before the first Monday in March; first Monday before the first Monday in March; tenth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; eighth Monday before the first Monday in September, which last named term only is to continue two weeks; first Monday before the first Monday in September; fourth Monday after the first Monday in September; tenth Monday after the first Monday in September, which eight terms are for the trial of criminal cases exclusively; fourth Monday before the first Monday in March, to continue three weeks; the first Monday in March; fourth Monday after the first Monday in March; eighth Monday after the first Monday in March; eleventh Monday after the first Monday in March; the first Monday in September; fifth Monday after the first Monday in September; eighth Monday after the first Monday in September; eleventh Monday after the first Monday in September, which last named eight terms are to continue for two weeks; fifteenth Monday after the first Monday in March, and all of the last named ten terms are for the trial of civil cases exclusively: *Provided*, that the board of county commissioners of Mecklenburg County may in their discretion, by an order at their regular meeting held on the first Monday in March in any year, provide for the holding of a term of court for the seventh Monday after the first Monday in March, and for the trial of civil and criminal cases, either or both, at said term. Mecklenburg county.

"No process nor other writ of any kind pertaining to civil actions shall be made returnable to any of the criminal terms, and no business pertaining to civil actions shall be transacted at the Proviso: county commissioners may provide for extra term.

Division of civil and criminal terms complete.

Grand juries.

criminal terms for Mecklenburg County. At the first fall and spring terms of the criminal courts for Mecklenburg and Gaston counties held for each year, grand juries shall be drawn, and the presiding judge shall charge them as provided by law, and such grand juries shall serve during the remaining fall and spring terms, respectively."

When act effective.

SEC. 2. That this act shall be in force and effect from and after the first day of January, one thousand nine hundred and twenty-one.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 40.

### AN ACT TO PREVENT ESCAPE FROM AND TO PROTECT THE INMATES OF THE STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS AND WOMEN.

*The General Assembly of North Carolina do enact:*

Acts made unlawful.

SECTION 1. That from and after the passage of this act it shall be unlawful:

Escape or aiding and abetting escape.

(a) For any inmate of the State Home and Industrial School for Girls and Women to escape from said school, or for any person to aid and abet any inmate to escape therefrom;

To advise or solicit inmate to escape.

(b) For any person to advise, or solicit, or to offer to advise, or solicit, any inmate of said school to escape therefrom;

To transport or offer to transport inmate to or from any place.

(c) For any person to transport, or to offer to transport, in automobile or other vehicle of conveyance, any inmate of said school to or from any place: *Provided*, this shall not apply to the superintendent and teachers of said school, or to employees acting under the superintendent and teachers thereof;

Proviso: superintendent, teachers or employees.

To engage or offer to engage in prostitution with inmate.

(d) For any person to engage in, or to offer to engage in prostitution with any inmate of said school;

To receive or offer to receive inmate for purpose of prostitution.

(e) For any person to receive, or to offer to receive any inmate of said school into any place, structure, building or conveyance for the purpose of prostitution, or to solicit any inmate of said school to engage in prostitution;

To solicit inmate to engage in prostitution.

(f) For any person to conceal an escaped inmate of said school, or to furnish clothing to an escaped inmate thereof to enable her to conceal her identity.

To conceal or furnish clothing to escaped inmate.

SEC. 2. That the term "inmate" as used in this act shall be construed to include any and all girls and women committed to, or received into, said State Home and Industrial School for Girls and Women under the provisions of chapter two hundred and fifty-five (255) of the public acts of one thousand nine hundred and seventeen (1917); and the term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse.

Prostitution defined.

SEC. 3. That any person who shall knowingly and wilfully violate any one of the provisions of section one of this act shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court.

Misdemeanor.

Punishment.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 41.

AN ACT TO AMEND CHAPTER 92, SECTION 5143 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO THE PRINTING OF PENSION LISTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter ninety-two, section five thousand one hundred and forty-three of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out after the word "each" in line five, the words "two years" and inserting in lieu thereof the word "year." Amend further by striking out all after the word "roll" in line six.

Lists printed annually.

Requirement for correction rescinded.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 42.

AN ACT CHANGING NOVEMBER TERM OF YADKIN COUNTY SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of nineteen hundred and thirteen [C. S., 1443] be and the same is hereby amended by striking out the words "and twelfth Monday after the first Monday in September" in line thirty on page three hundred and thirty-one under the subhead Yadkin County, and inserting in lieu thereof the following: "and thirteenth Monday after the first Monday in September, to continue for two weeks."

Term changed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 43.

## AN ACT TO DEFINE THE RULES OF EVIDENCE IN CASES OF ESCHEATS.

*The General Assembly of North Carolina do enact:*

Evidence making  
prima facie case.

SECTION 1. That in all cases where land situated in this State is claimed by the University of North Carolina by right of escheat, it shall be sufficient to prove, in order to make out a *prima facie* case of escheat, that the land claimed was granted by the State of North Carolina; that the grantee, or any subsequent owner thereof, died without disposing of said land either by conveyance, or will, registered or probated prior to the institution of the action, and that for fifty (50) years subsequent to the death of the last known owner, no person has appeared to claim the land either as devisee, grantee, or heir.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 25th day of August, A. D. 1920.

## CHAPTER 44.

## AN ACT TO AMEND CHAPTER 5 OF THE CONSOLIDATED STATUTES, RELATING TO APPLICANTS FOR LICENSE TO PRACTICE LAW.

*The General Assembly of North Carolina do enact:*

Proviso: attor-  
neys from other  
states.

Certificate from  
state of resi-  
dence.

Residence in  
State.

SECTION 1. That section one of chapter five, entitled "Attorneys at Law," of the Consolidated Statutes be and the same is amended by adding at the end of said section the following: "*Provided, however, any person duly licensed to practice law in another state may be licensed to practice law in this State without examination, if attorneys who are licensed in this State may be licensed without examination in the state from which he comes, upon said applicant furnishing to the Supreme Court a certificate from a member of the court of last resort of such state that he is duly licensed to practice law therein, and that he has been actively engaged in the practice of law for five years or more, and is of good moral character and a proper person to be licensed to practice law, together with a certificate from two practicing attorneys of such state, practicing in said court of last resort, as to the applicant's good moral character, whose signatures shall be attested by the clerk of said court, and upon said applicant satisfying the court that he is a bona fide resident and citizen of North*

Carolina, or intends immediately to become such: *Provided further*, Proviso: deposit, that said applicant shall be required to deposit with the Clerk of the Supreme Court the same amount required of applicants who stand the examination."

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 45.

AN ACT FOR THE RELIEF OF A. C. SINGLETON, D. WHITE, LORENZO MEDFORD, LOGAN HANNAH AND SPENCER FISHER, EX-CONFEDERATE SOLDIERS OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. C. Singleton, D. White, Lorenzo Medford, Logan Hannah and Spencer Fisher, ex-Confederate soldiers of Haywood County, who are now on the pension roll of said county in the fourth class drawing five dollars per month, be placed on the pension roll of Haywood County in the first class and draw ten dollars per month. Made first class pensioners.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 46.

AN ACT RELATING TO CEMETERIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Where any church has conveyed, or is about to convey real estate on which there are graves, and where it becomes necessary and expedient to remove said graves, it shall be lawful for such church authorities after thirty days notice to the relatives of deceased, if any are known, and if none are known, then after notice posted at the church door for a like time, to remove such graves to a suitable plot in some other cemetery, due care being taken to protect tombstones and replace them properly, so as to leave the graves in as good condition as before removal. Conveyance by church.  
Notice of removal of graves.  
Removal.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 25th day of August, A. D. 1920.

## CHAPTER 47.

AN ACT TO PLACE A. B. SASSER, A CONFEDERATE SOLDIER OF JOHNSTON COUNTY, ON THE TOTALLY DISABLED CLASS, AND THAT JULIA V. SCARBOROUGH, WIDOW OF THE LATE JOHN C. SCARBOROUGH, DECEASED, BE PLACED ON THE PENSION ROLLS OF JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Classification altered.

SECTION 1. That A. B. Sasser, a Confederate soldier now on the Pension Rolls of Johnston County in the fourth class, be placed on the totally disabled class.

Placed on rolls.

SEC. 2. That Julia V. Scarborough, widow of the late John C. Scarborough, deceased, Confederate soldier, be placed on the pension rolls of Johnston County, North Carolina, to be classified under Pension Laws of North Carolina.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 48.

AN ACT TO ENABLE COUNTIES TO ERECT COTTAGES AT THE STONEWALL JACKSON TRAINING SCHOOL.

*The General Assembly of North Carolina do enact:*

Trustees to receive gifts.

SECTION 1. That the Board of Trustees of the Stonewall Jackson Training School are hereby empowered to receive specific gifts from individuals or other sources for the exclusive purpose of erecting and equipping cottages on the grounds of the institution under such rules and regulations as may be fixed by the said board of trustees.

Exclusive purpose.

Boys from counties making gifts.

SEC. 2. That when such gifts, sufficient to erect or to erect and equip a cottage sufficient to accommodate thirty boys, are received from individuals or other sources from any given county of the State, the Trustees of the Stonewall Jackson Training School may enter into an obligation to receive and maintain in the institution only according to their fixed rules and regulations for entrance, maintenance and discharge, a number of boys from the said county equal to the number which may be accommodated in such building. Such cottage may be designated ----- County Cottage.

Designation of cottage.

Cottages erected by two or more counties.

SEC. 3. Should two or more counties desire to combine for the purpose of erecting such buildings, the same may be done under

like conditions as stated in section two, and such cottage may be known by the names of the counties so combining.

SEC. 3½. That all buildings erected under this act shall receive the approval of the State Building Commission from plans prepared by the State Architect.

Approval of state building commission.  
Plans.

SEC. 4. It shall be lawful for county commissioners or the governing bodies of cities and towns to contribute from the public funds such amounts as they may deem proper for the purpose stated in section two and section three of this act, and such funds may be lawfully devoted from any public funds of said bodies or secured by bond issue under such rules of issue as may be ordained by said boards of county commissioners or governing bodies of towns or cities.

Contributions from public funds.

Bond issues.

SECTION 5. All laws and clauses of laws in conflict with this chapter are hereby repealed, and this act shall be in force from and after ratification.

Repealing clause.  
When act effective.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 49.

### AN ACT TO ALLOW CERTAIN ABSOLUTELY NECESSARY INCREASES OF THE SALARIES OF CLERKS IN FOUR OF THE STATE DEPARTMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the salary of the Executive Secretary of the Governor shall be one hundred and fifty (\$150.00) dollars per month; that the salary of the Executive Clerk in the office of the Governor shall be one hundred and fifty (\$150.00) dollars per month.

Governor's office.  
Executive secretary.  
Executive clerk.

SEC. 2. That the salary of the Corporation Clerk in the office of the State Treasurer shall be one hundred and fifty (\$150.00) dollars per month, and the salary of the License Clerk shall be one hundred and fifty (\$150.00) dollars per month.

State treasurer.  
Corporation clerk.  
License clerk.

SEC. 3. That the salary of the stenographer in the office of the State Auditor, who also does the pension work and keeps the books for the Soldiers' Home, shall be one hundred and fifty (\$150.00) dollars per month.

Auditor.  
Stenographer.

SEC. 4. That the Governor and Council of State are authorized to allow the Department of the Secretary of State not more than four additional clerks, at salaries not exceeding one hundred and twenty-five (\$125.00) dollars per month, for such time as the Governor and the Council of State may find to be absolutely necessary to carry on the work of the department.

Secretary of state.  
Additional clerks allowed by governor and council.  
Salaries.

SEC. 5. That this act shall be in effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 50.

AN ACT TO AMEND CHAPTER 264 OF THE PUBLIC LAWS OF 1915 BY PLACING ONSLOW AND WARREN COUNTIES IN THE LIST OF COUNTIES THAT ARE PERMITTED TO MAKE RULES AND ORDINANCES REGULATING THE USE OF PUBLIC ROADS AND BRIDGES.

*The General Assembly of North Carolina do enact:*

- Loan extended. SECTION 1. That chapter two hundred and sixty-four of the Public Laws of one thousand nine hundred and fifteen [C. S., 3751] be and the same is hereby amended by adding the words "Onslow and Warren" after the word "Columbus" in line six, section four of said act.
- Repealing clause. SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 3. That this act shall be in force and effect from and after its ratification.
- Ratified this 25th day of August, A. D. 1920.

## CHAPTER 51.

AN ACT TO FIX INTRASTATE PASSENGER RATES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

- Rate for transportation of passengers. SECTION 1. That the rate to be charged for intrastate transportation of passengers by common carriers by rail shall not exceed three cents per mile for the transportation of each passenger for each mile traveled between points in North Carolina: *Provided, however,* that independently owned and operated railroad companies in North Carolina whose mileage of road in said State is one hundred miles or less may charge a rate twenty per cent higher than the rate above specified; but this proviso shall not extend to branch lines of railroad companies controlling over one hundred miles of road, whether chartered in or out of the State: *Provided further,* this act shall not apply to railroads hereafter built less than fifty miles in length.
- Proviso: independently owned and operated short lines.
- Proviso: not extended to branch lines.
- Proviso: short lines hereafter built.
- Investigation by corporation commission. SEC. 2. The Corporation Commission of the State of North Carolina is hereby authorized and directed to make a full and complete investigation of the conditions of passenger transportation by rail and by water in North Carolina and make a report to the next General Assembly of North Carolina; and the Governor of the State of North Carolina is authorized and empowered to employ such additional expert aid as he may think necessary or
- Report.
- Employment of expert aid.



advisable to assist the Corporation Commission in making such investigations and report.

SEC. 3. That such report when made shall be filed with the Governor and be by him transmitted to the next General Assembly. Filing and transmission of report.

SEC. 4. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification. Repealing clause.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 52.

AN ACT TO PLACE JOHN D. HARRIS, EX-CONFEDERATE VETERAN OF PERSON COUNTY, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John D. Harris, ex-Confederate veteran of Person county, seventy-six years of age, Company A, Fiftieth Regiment, be and he is hereby placed on the roll of Confederate Pensions of North Carolina. Placed on roll.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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## CHAPTER 53.

AN ACT TO AMEND CHAPTER 116 OF PUBLIC LAWS OF NORTH CAROLINA IN REGARD TO DOGS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and sixteen of Public Laws of North Carolina of nineteen hundred and nineteen [C. S., 1684] be and the same is hereby amended as follows: By adding at the end of section eleven of said chapter the following words: "Provided, this act shall not be construed as repealing any ordinance of any city or town now existing or any ordinance of any city or town hereafter enacted, regulating the keeping or use of dogs in cities and towns." Proviso: ordinances of cities or towns not repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 54.

## AN ACT TO AMEND SECTION 6334 OF THE CONSOLIDATED STATUTES RELATING TO TITLE INSURANCE POLICIES.

*The General Assembly of North Carolina do enact:*

Limit of single risk.

SECTION 1. That subsection five of section six thousand three hundred and thirty-four of the Consolidated Statutes be amended by striking out the word "twenty" in line nine thereof and inserting in lieu thereof the word "forty."

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 55.

## AN ACT TO AMEND SECTION 1114 OF THE CONSOLIDATED STATUTES RELATING TO THE ISSUANCE OF STOCK BY CORPORATION.

*The General Assembly of North Carolina do enact:*

Terms on which stock classified.

SECTION 1. That article two of section one thousand one hundred and fourteen of the Consolidated Statutes be and the same is hereby amended by striking out in subsection four, lines four and five, the following: "with the terms on which the respective classes of stock are created."

Evidently a mistake. The sentence stricken out appears in subsection four of section 1114.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 56.

## AN ACT TO REGULATE PASSENGER AND FREIGHT RATES ON SHORT LINE RAILROADS.

*The General Assembly of North Carolina do enact:*

Rates to be fixed by Corporation Commission.

Basis of rate.

Counties excepted.

Repealing clause.

SECTION 1. That the Corporation Commission shall fix such freight and passenger rates for railroads of less than fifty miles in length, which may hereafter be constructed, as will yield a net amount equal to the legal rate of interest on the amount of actual capital invested in such railroads; but this act shall not apply to the counties of Haywood, Swain, Jackson and Transylvania.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

### CHAPTER 57.

#### AN ACT TO EXEMPT STOKES COUNTY FROM THE OPERATION OF THE PRIMARY LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and twenty-two of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby repealed. Law repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

### CHAPTER 58.

#### AN ACT TO AMEND THE VITAL STATISTICS LAW, CHAPTER 109, PUBLIC LAWS 1913, AS AMENDED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eighteen, chapter one hundred and nine, Public Laws of one thousand nine hundred and thirteen [C. S., 7109] be and the same is hereby amended by striking out the word "January" in line twenty-eight and inserting in lieu thereof the word "February."

SEC. 2. That section nineteen, chapter one hundred and nine, Public Laws of one thousand nine hundred and thirteen [C. S., 1710], be and the same is hereby amended by striking out the word "twenty-five" in lines one and six and inserting in lieu thereof the word "fifty."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

### CHAPTER 59.

#### AN ACT RELATING TO THE DISTRIBUTION OF THE JUSTICES' EDITION OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Secretary of State be instructed to deliver to each member of the present General Assembly of North Carolina one copy of the Justices' Edition of the Consolidated Statutes of North Carolina. To members of  
General  
Assembly.

Sale authorized.

SEC. 2. That the Secretary of State is hereby authorized and empowered to sell to any one desiring the same a copy of said Justices' Edition of the Consolidated Statutes of North Carolina, charging therefor the sum of three dollars and fifty cents.

Price.

Commission allowed dealers.

SEC. 3. That the Secretary of State shall allow to all licensed book dealers handling said books the commissions now allowed by law to said book dealers handling the publications of the State.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 25th day of August, A. D. 1920.

## CHAPTER 60.

### AN ACT TO AMEND CHAPTER 232 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1919.

*The General Assembly of North Carolina do enact:*

Time for presentation of claims.

SECTION 1. That chapter two hundred and thirty-two of the Public Laws of North Carolina, session one thousand nine hundred and nineteen [C. S., ch. 70, Art. 7] be amended by adding to said chapter sections as follows, as to be designated as follows:

Time for settlement or rejection of claim.

"Sec. 39b. That any person over whose lands or premises the road commission or other road authorities in any county has heretofore or shall hereafter open or construct a road, or any person from whose land such road authorities has heretofore or shall hereafter take any earth, timber, or other material of any kind whatsoever, or shall cut any timber or in any way damage such land, that has not been adjusted, and such claimant desires compensations for the same, he shall present to the road commission or other road authorities, an itemized statement of his claim for damages within six months from the date of such use, and the said road commission shall have thirty days from said presentation to settle the same, or to notify such claimant that the said

Offer by commission.

board has rejected such claim, and if rejected, the said road commission shall in such rejection state in writing the amount, if any, it agrees to pay, and if accepted by the claimant the same shall immediately become due and payable; if the said road commission does not notify claimant within thirty days from presentation of claim that the same has been rejected, in whole or in part, then such claim shall be conclusively presumed to be correct, and such claim as presented shall immediately become due and payable. If such claim or any part thereof is rejected by the road commission or road authorities within thirty days of the time presented, then either party, the road commission or road authorities or claimant, is authorized to make application in writing to the sheriff of such county setting forth the itemized claim, the facts respecting the filing of his claim with such road commission or

Acceptance by claimant. Claim presumed correct.

Assessment of damage.

road authorities, the action thereon, and it shall be the duty of such sheriff to summon a jury of three disinterested freeholders, who shall be voters and residents of the township in which the claimant resides, and it shall be the duty of said jury after being duly sworn, to impartially hear and determine such matter, enter upon the premises, inspect same, hear any evidence offered by either party and make a full written report by delivering to each party a copy of their findings and assessments. Either party shall have the right to appeal from the findings and report of such jury to the Superior Court next to be held ten days after the filing of such report, by giving written notice of such appeal to the opposing party within ten days of notice of such filing: *Provided*, that no claim shall be presented after the expiration of six months from time such damages are sustained, nor shall any claim be paid if not presented within six months from the date of such damage.

“39c. That it shall be the duty of the road commission or other road authorities to keep, or cause to be kept, an accurate, itemized account of all road funds received from any source and how the same is expended by townships, and it shall be the duty of said road commission or other road authorities within thirty days from the passage of this act, to make or cause to be made an itemized statement of all funds heretofore received from any source for road purposes, and an itemized statement of disbursements of same by townships, and the said road commission authorities shall cause the same to be published in one issue of at least one weekly newspaper published in such county, and it shall be the duty of said road commission or road authorities in such county to publish in the first week of October, one thousand nine hundred and twenty, a complete, correct and detailed, itemized statement of all road funds received and disbursed by townships in said county since the last published statement, and such statement shall be published in at least one newspaper as directed, and every month thereafter a similar statement shall be made and published as provided; that if said road commission or other road authorities shall fail or refuse to keep such account, or to make or cause to be made and published the statements herein provided, each member thereof shall be guilty of a misdemeanor and punished at the discretion of the court.

“Sec. 39d. That it shall be the duty of the road commission or road authorities of any county to delegate to each member of the road electorate from any township of such county the duty of supervising the construction and repairing of small bridges, installing cement, clay or other permanent piping, and the maintenance of the public roads in his township respectively, subject to the general supervision of the said road commission or other road authorities. Such member in his township shall have the right, subject to the supervision and control of the road commission, to make contracts for the purpose of maintaining and keeping in good con-

Right of appeal.  
Case on appeal.

Proviso: time  
for presentation  
of claim.

Itemized ac-  
counts of road  
funds.

Itemized state-  
ments to be pub-  
lished.

Statements to be  
published  
monthly.

Failure to keep  
accounts or pub-  
lish statements a  
misdemeanor.

Punishment.

Duties delegated  
to township  
members.

Powers of town-  
ship delegate.

dition the roads in his township, and shall supervise the same to the best interest of the township and county. For such services for the time that he is engaged wholly and exclusively in such work he shall receive not less than three dollars nor more than five dollars per day, including his own conveyance, to be fixed by road commission: *Provided*, such member for any cause cannot serve in this capacity the road commission shall name another in his stead; and, *Provided further*, that this section shall not apply to any roads which shall be constructed in whole or in part by Federal funds, unless it is agreeable to State and Federal authorities.

Pay. "Sec. 39e. That the road commission or other road authorities having charge of the public roads in such county, shall have authority to order any public road, or any part of any road in such county, temporarily closed or discontinued and prohibit traveling thereon during the time of the construction, repairing, maintaining, or in any other manner whatsoever improving any such road in such county, and such authorities shall further have the right and authority to place an obstruction or barrier of any kind across such road, in order to give notice to any one traveling or being on same while temporarily closed, and any person who shall cut, injure, remove, or in manner interfere with such obstruction or barrier, or any person who shall wilfully travel on such part of any road while temporarily closed or discontinued with any animal, car, automobile, buggy, wagon, or other vehicle, shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court: *Provided*, any person residing on or near any closed or discontinued part of any road and shall have no other way to travel to or from his house, shall have the right to travel such closed or discontinued road to the extent only as may be necessary to or from the nearest road leading therefrom.

Proviso: substitution. "Sec. 39f. That it shall be unlawful for any contractor or other person to take or remove from the cultivated lands of any other person in such county, any earth, timber or other material without the written permission of the chairman of the road commission. The road commission or other road authorities may cancel or change permission of such chairman.

Proviso: road constructed with federal funds. "Sec. 39g. That all bills or claims for labor or material shall be made in detailed, itemized form, and if for labor shall show the number of hours worked, the service and place performed, and same if allowed and paid shall be kept on file as permanent records in the office of said board and open to the inspection of any citizen of said county. The road commission or other road authorities shall approve no claim until the above provision is complied with.

Temporary closing of roads. "Sec. 39h. That the section thirty-nine in said chapter be amended by striking out the word 'one' in line two, and inserting in lieu thereof the word 'two.'"

Obstructions or barriers.

Misdemeanor.

Punishment.

Proviso: residents on or near roads.

Limitation on right of taking material from land.

Cancellation or change.

Bills and claims to be itemized.

Records.

Open to inspection.

Claim not approved until itemized.

Pay of road commissioners.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 61.

### AN ACT TO REGULATE THE PAY OF JURORS AND WITNESSES IN THE SUPERIOR COURT OF NORTH CAROLINA.

3892(?).

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand eight hundred and ninety-three of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the word "three" in line four of said section and inserting in lieu thereof the word "four."

Disposition of jurors.

SEC. 2. That section three thousand eight hundred and ninety-three of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the words "one dollar per day" and inserting in lieu thereof the words "such amount per day as the board of commissioners of the respective counties may fix to be not less than one dollar per day and not more than three dollars per day."

Pay of witnesses.

SEC. 3. That this act shall not apply to the counties of Union, Nash, Brunswick, Randolph, Haywood, Polk, Surry, Swain, Alleghany, Anson, Graham, Ashe, Dare, Alexander, Cleveland, Clay, Transylvania, Harnett, Stanley, Mitchell, Burke, Franklin, Greene, and Johnston.

Counties excepted.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 62.

### AN ACT TO AMEND CHAPTER 92, PUBLIC LAWS OF 1919, KNOWN AS THE MACHINERY ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section sixty-seven of chapter ninety-two, Public Laws of one thousand nine hundred and nineteen, known as the Machinery Act [C. S., 7971], be and the same is hereby amended as follows:

Corporations and values certified to auditor.	Strike out said section and insert in lieu thereof the following:
Auditor to compute tax.	"The State Tax Commission shall, upon completion of the assessment directed in the preceding section, certify an itemized list of the names of the various corporations assessed, together with the valuations assessed against each, to the Auditor of the State, and it shall be the duty of the Auditor to cause the State and pension and State school levy, or such thereof as may be authorized, to be computed thereon against each corporation so certified, and to furnish the State Treasurer with the same for collection, and said list shall be a charge against the State Treasurer. All such taxes shall be paid by the secretary or treasurer of any such corporation direct to the State Treasurer within thirty (30) days after the receipt of bill from the State Auditor of taxes due.
Certificate to treasurer for collection. Payment within thirty days.	"The State Tax Commission shall also certify to the register of deeds of the county the total valuations as hereinbefore determined and apportioned by the commission, and in case of corporate excess, to the county in which the corporation has its principal place of business, and the board of county commissioners shall assess against the same tax imposed for county and county school purposes; it shall be paid to the sheriff or tax collector of the county."
Certificate to counties.	SEC. 2. Strike out section eighty-eight [C. S., 7994] and insert in lieu thereof the following:
Assessment for county and school tax.	"SEC. 88. <i>Taxes due the first Monday in October.</i>
Taxes due.	"All taxes shall be due the first Monday in October in each year, and on all taxes paid in the months of October and November a discount shall be given to the taxpayer of one per cent (1%). All taxes paid in the months of December and January shall be paid in the net amount charged, and from and after the first day of February interest at the rate of one per cent (1%) per month shall be charged and collected by the sheriff or tax collector; that is to say, that all taxes paid in the month of February, after the first day of February, interest at the rate of one per cent (1%) shall be added on the taxes paid; and in the month of March, after the first day of March, interest at the rate of two per cent (2%) shall be added, and additional interest at the rate of one per cent (1%) for each additional month of delay in settlement of same. Upon all taxes paid into the State Treasury and upon all county taxes paid into the county treasury by any sheriff or tax collector on or before the fifth day of December the State Auditor and county treasurer shall allow credit against the total amount of taxes charged against any such sheriff or tax collector a discount of one per cent (1%), and upon all payments paid into the State Treasury upon all county taxes paid into the county treasury by the sheriff or tax collector between the fifth day of December and the first day of February, payments shall be credited at the net amounts of such payments. Upon all taxes charged against such sheriff or collector and remaining unpaid on the first day of Feb-
Discount for prompt payment.	
Penalties.	
Credit to tax collectors for early settlement.	
Interest charged sheriff or collector.	



ruary, interest at the rate of one per cent (1%) per month shall be added, and additional interest at the rate of one per cent (1%) per month shall be added to so much of said taxes as remain charged against such sheriff or tax collector and unpaid on the fifth day of each succeeding month thereafter until paid.

“Any provision in any local act prescribing a different schedule of discounts and interests than that prescribed herein is hereby repealed.

“The sheriff or tax collector shall note that on the tax duplicate against the names of the party, date of payment and the amount paid. He shall also give receipt to the party, stating the amount of the State and county taxes separately, and the date of payment; and for failure to give such receipt stating the State and county taxes separately, he shall be guilty of misdemeanor, and on conviction shall be fined at the discretion of the court. The sheriff or tax collector shall not collect the taxes for any year until he shall have settled in full with State and county for taxes of the previous year (if he were sheriff or tax collector for the previous year), and give the bonds required by law; and if, upon examination, the commissioners are not satisfied with the solvency of the surety of said bonds, they may require more bonds to be given. The sheriff or tax collectors shall produce receipts for the State and county taxes for the year previous (if he were sheriff or tax collector) before receiving the tax duplicate from the board of commissioners, and in the event the sheriff or collector fails to produce the aforesaid receipt or give the required bonds, the board of commissioners shall appoint a tax collector, who shall give bond to faithfully collect and pay over taxes according to law. When the sheriff shall collect by his deputies they shall, before the clerk of the board of commissioners or before a justice of the peace of the county, take and subscribe an oath to faithfully and honestly account for the same with the sheriff or other person authorized to receive same. Said oath shall be filed with the register of deeds of the county and kept in the office of the board of commissioners, and for failure of any deputy to pay over such taxes as he might collect he shall be guilty of misdemeanor.”

SEC. 3. *Records and transfers.*

It shall be the duty of the register of deeds in each of the several counties in the State, for the purpose of providing a convenient and accurate record of all transfers of real property, to the end that all real property now on the tax books shall be kept on the books at all times charged to the owners of such property in each year, to keep an accurate record, upon forms prescribed by the State Tax Commission, of each and every transfer of real property, which records shall contain a statement of grantor and grantee, actual consideration; number of acres if a tract of land, or size of lot if a town lot; an accurate description of the property and its location, not necessarily metes and bounds, but in such

Local acts repealed.

Payment entered on tax books.

Tax receipts.

Failure to give receipt misdemeanor.

Punishment. Settlement in full for previous years.

Bonds.

Receipts to be produced.

Failure to produce receipts or to give bond to work vacancy.

Deputies to qualify.

Oath to be filed.

Failure to pay over misdemeanor.

Records of transfers of real estate.

Details of record.

State tax commission to furnish books.  
 Record by townships and wards.  
 Information to tax lister.

Grantee to furnish information.

Information required before entering transfer.  
 Fee for record.  
 Tax lister to examine records.

Questionnaires to be filed with as private records.

Examination by officers and individuals.

Care of questionnaires.

Proviso: Examination of corporations.

terms as will give to the list takers accurate information as to its location; description, if it represents a subdivision or a part of former tract, etc. It shall be the duty of the State Tax Commission to furnish to each register of deeds in the several counties in the State the form of books for this purpose. It shall be the duty of the register of deeds to keep this record by townships, or wards in municipalities, and annually to turn over to the officer charged with the duty of listing this property all of the information of such transfer, to the end that a proper record may be made on the tax books of the county of such transfer. It shall be the duty of the grantee or his agent in each case to furnish the information herein required, and the register of deeds may require that such information be furnished before entering any transfer on the record, and he is authorized to charge for this service an additional fee of fifteen cents (15c.). It shall be the duty of each tax listing officer, in every year, to make a careful examination of such records of transfers and a careful examination of the tax books for the previous year, to the end that no real property on the tax books may be omitted from the tax rolls in any year.

SEC. 4. The county supervisor in each county shall, upon instruction from the State Tax Commission, file with the register of deeds of the county the real and personal property questionnaires of individuals and corporations, to remain in the custody of the register of deeds as a private record, subject to the following exceptions: They shall be at all times available to the members of the board of county commissioners, the county supervisor, and members of the board of appraisers and review, and to any authorized representative of the State Tax Commission, or any particular questionnaire may be examined at any time by any citizen of the county upon order of the board of county commissioners, based upon finding by the said board that such examination is desired for a proper purpose. The board of county commissioners of the several counties are hereby authorized to purchase suitable equipment to care for the questionnaires in the office of the register of deeds.

SEC. 5. That section forty-three of chapter ninety-two of the Public Laws of one thousand nine hundred and nineteen [C. S., 7941], and section forty-three [C. S., 7942] of the said act, be amended by adding at the end of each of said sections: "Provided, that the reports required to be made by this section may be examined, upon application, by the solicitor of the State for the district in which the corporation has its principal office, or in any investigation by the board of commissioners of a county the reports of corporations having their principal office in such county may be examined upon order of the board of county commissioners or their authorized representative."

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 63.

AN ACT TO AMEND CHAPTER 250, PUBLIC LAWS OF 1919, VALIDATING THE PROBATE OF CERTAIN OLD WILLS SO AS TO MAKE SAME APPLY TO THE COUNTY OF CLEVELAND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two and one-half of chapter two hundred and fifty of Public Laws of one thousand nine hundred and nineteen be amended by adding between the words "Wake" and "counties" in said section two and one-half the following words, to wit: "and Cleveland." Cleveland county inserted.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

## CHAPTER 64.

AN ACT TO AMEND CHAPTER 189 OF THE PUBLIC LAWS OF 1919 BY EXEMPTING FROM THE PAYMENT OF LICENSE TAX ALL MOTOR-DRIVEN VEHICLES OWNED OR OPERATED BY THE SEVERAL COUNTIES OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand six hundred and twelve of the Consolidated Statutes of North Carolina be amended by adding the following thereto:

"That all motor vehicles which would otherwise be liable to pay the license fees or tax, and which are owned by the State of North Carolina or any department thereof, by any county, township, city or town, or by any board of education, shall be exempt from the registration and the payment of the registration fee provided by law." Exemption from registration of certain motor vehicles.

SEC. 2. That all such owned motor vehicles shall be by the State of North Carolina or any department thereof, or by any county, township, city or town, or by any board of education, appropriately marked to show the ownership. To be marked to show ownership.

SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 4. That this act shall be in force from and after the thirty-first day of May, one thousand nine hundred and twenty-one. When act effective.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 65.

## AN ACT TO AMEND CHAPTER 90, SECTION 72, OF PUBLIC LAWS OF 1919 RELATING TO THE LICENSE TAX OF DEALERS IN AUTOMOBILES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seventy-two of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7867] be and the same is hereby amended by inserting after the period in line nineteen and before the word "each" the following words:

License for independent and second hand dealer.

"Every independent or second-hand dealer engaged in the business of buying, selling, or exchanging any make of automobiles in this State on which the manufacturer's license of five hundred dollars has been paid, shall pay a license tax of fifty dollars per annum to the State Treasurer and obtain a license for conducting such business: *Provided*, all such licenses shall expire on the thirty-first day of May each year, and there shall be no abatement for fractions of a year: *Provided further*, that an agent holding a certified duplicate license issued at the request of a manufacturer, person or corporation who has paid the five-hundred-dollar license tax as prescribed in this section shall not be subject to any additional tax by reason of this amendment.

Proviso: expiration of license. No abatement for fractions. Proviso: agents holding certified duplicate of dealers license.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 26th day of August, A. D. 1920.

## CHAPTER 66.

## AN ACT TO AMEND CHAPTER 189, PUBLIC LAWS OF 1919, RELATING TO LICENSES ON AUTOMOBILES FOR HIRE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the proviso in line thirty-six, section five, of chapter one hundred and eighty-nine of Public Laws of one thousand nine hundred and nineteen [C. S., 2612], reading as follows: "*Provided further*, that no county, city, or town shall charge any license or registration fee on motor vehicle in excess of one dollar per annum." shall not be construed to amend or repeal section fifty-nine of chapter ninety of Public Laws of one thousand nine hundred and nineteen [C. S., 7836] or the ordinance of any municipality providing for a license tax on the business of running automobiles for hire.

Construction of proviso.

SEC. 2. That any license fees or taxes collected under section fifty-nine of chapter ninety of the Public Laws of one thousand nine hundred and nineteen [C. S., 7836], or under the ordinance

Former collection of fees and taxes validated.

of any municipality, before the ratification of this act, are hereby approved and validated.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this 26th day of August, A. D., 1920.

## CHAPTER 67.

### AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons be and they are hereby appointed justices of the peace for their respective counties and townships in North Carolina for a term of six years, except when a different length of time is named herein, said terms to begin the first day of November, one thousand nine hundred and twenty or when term of office expires, and they shall have sixty days in which to qualify from the ratification of this act, or from the expiration of their present term of office:	Appointments. Terms. Beginning of term. Time for qualification.
ALAMANCE COUNTY. <i>Boone Station Township</i> —Richard Bigger. <i>Burlington Township</i> —Edwin T. Murray.	Alamance county.
ALEXANDER COUNTY. <i>Sharps Township Number Two</i> —B. F. Hines.	Alexander county.
ASHE COUNTY. <i>Pine Swamp Township</i> —Richard Watson.	Ashe county.
CURRITUCK COUNTY. <i>Fruitville Township</i> —Z. T. Fentress.	Currituck county.
CAMDEN COUNTY. <i>Shiloh Township</i> —Marshall S. Jones (four years).	Camden county.
CLEVELAND COUNTY. <i>Township Number Six</i> —Frank Dedmond, C. C. Cook.	Cleveland county.
COLUMBUS COUNTY. -----James Inman.	Columbus county.
DAVIE COUNTY. -----D. W. Smith.	Davie county.
GRANVILLE COUNTY. <i>Brassfield Township</i> —Wade H. Jenkins. <i>Oxford Township</i> —D. N. Hunt.	Granville county.
HAYWOOD COUNTY. <i>Chattaloche Township</i> —W. M. Sutton.	Haywood county.
HYDE COUNTY. <i>Lake Landing Township</i> —T. M. Hall, Robert E. Carter.	Hyde county.

Henderson county.	HENDERSON COUNTY. <i>Clear Creek Township</i> —J. N. B. Lanning.
Iredell county.	IREDELL COUNTY. <i>Union Grove Township</i> —Z. R. Tharpe, H. P. Van Hoy, J. G. Morris.
Lincoln county.	LINCOLN COUNTY. <i>Lincolnton Township</i> —D. H. Shields. <i>Ironton Township</i> —Waverly Rudasill.
Macon county.	MACON COUNTY. <i>Ellijay Township</i> —J. L. Higdon.
Stanly county.	STANLY COUNTY. <i>North Albemarle Township</i> —J. Ed. Hartsell.
Transylvania county.	TRANSYLVANIA COUNTY. <i>Brevard Township</i> —J. L. Bell, R. P. Kilpatrick.
Wilkes county.	WILKES COUNTY. <i>Walnut Grove Township</i> —Geo. E. Blevins.
Yancey county.	YANCEY COUNTY. <i>Green Mountain Township</i> —J. C. Turner. <i>Prices Creek Township</i> —J. A. Parrott. Ratified this 25th day of August, A. D. 1920.

## CHAPTER 68.

AN ACT TO AMEND SECTIONS 5865 AND 5867, ARTICLE 9, CHAPTER 96 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO CONFERRING DEGREES AND RELATING TO COURSE OF STUDY PRESCRIBED AT EAST CAROLINA TEACHERS TRAINING SCHOOL.

*The General Assembly of North Carolina do enact:*

Law amended. SECTION 1. That section five thousand eight hundred and sixty-five, chapter ninety-six of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding after the word "graduation" in line five of said section the following: "and shall have the power to confer degrees."

Power to confer degrees. Law amended. SEC. 2. That section five thousand eight hundred and sixty-seven, article nine of chapter ninety-six of the Consolidated Statutes of North Carolina be amended by striking out after the word "teacher" in line three the following: "And in no event shall they prescribe a curriculum beyond that which would fit and prepare a student for unconditional entrance into the Freshman Class of the University of North Carolina."

Limitation on curriculum. SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

## CHAPTER 69.

AN ACT TO AMEND CHAPTER 105, SECTION 4991 OF THE REVISAL OF 1905 INCREASING AMOUNT RECEIVED FROM PUBLIC TREASURY BY TOTALLY BLIND AND DISABLED EX-CONFEDERATE SOLDIERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and five, section forty-nine hundred and ninety-one [C. S., 5148] of the Revisal of nineteen hundred and five, as amended by the Public Laws of one thousand nine hundred and seven, chapter sixty, is hereby amended by striking out all of the words in line four of said section and inserting in lieu thereof the words "one hundred and eight dollars a year." Annual pension.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 70.

AN ACT TO AMEND CHAPTER 203, PUBLIC LAWS OF 1919, RELATING TO THE PROVISION OF ADEQUATE QUARTERS FOR THE LIBRARY COMMISSION IN THE BUILDING OF THE AGRICULTURAL COMMISSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and three, Public Laws of one thousand nine hundred and nineteen be and the same is hereby amended by inserting between section two and section three the following:

"Sec. 2a. That the Library Commission of North Carolina, created by the Public Laws of one thousand nine hundred and nine, chapter eight hundred and seventy-three, shall be allowed adequate quarters in this building, and the Board of Public Buildings and Grounds is hereby authorized and directed to set apart such adequate quarters for the Library Commission." Allowance of quarters.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 71.

AN ACT TO AMEND CHAPTER 71 OF THE PUBLIC LAWS OF 1919 ENTITLED "AN ACT TO PREVENT THE SPREAD OF DISEASE FROM INSANITARY PRIVIES."

*The General Assembly of North Carolina do enact:*

Privies on farms.

SECTION 1. That chapter seventy-one of the Public Laws passed by the General Assembly of North Carolina at its session in the year one thousand nine hundred and nineteen [C. S., 7144] be and the same is hereby amended by striking out all after the word "than" in line eight of section sixteen and inserting in lieu thereof the words "one mile from the corporate limits of a town or city or the geographic center of a village."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 72.

AN ACT TO PUT J. A. FESPERMAN, OF ROWAN COUNTY, ON THE PENSION LIST.

*The General Assembly of North Carolina do enact:*

To be placed on roll.

Classification.

SECTION 1. That J. A. Fesperman, Company G, Forty-second North Carolina Regiment, of Salisbury, Rowan County, North Carolina, is hereby placed on the pension roll as fourth class pension.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 73.

AN ACT FOR THE RELIEF OF LEE W. RALSTON, BY HAVING HIS NAME CORRECTLY RECORDED IN THE MARRIAGE RECORD OF CHEROKEE COUNTY, N. C.

Preamble: marriage license.

Marriage ceremony.

Whereas, a marriage license was issued on the 30th day of December, one thousand nine hundred and eighteen by M. H. Palmer, Register of Deeds of Cherokee County, for the marriage of Lee W. Robinson (white), age twenty, to Mary Postell (white), age nineteen, and the marriage ceremony was duly performed by J. H. Woods, Justice of the Peace of Murphy Township, Cherokee County, on the same day; and,



Whereas, the same appears on record in the marriage record of Cherokee County; and,

Preamble: record of marriage.

Whereas, there is an error in the issuance of the said license, which should have been Lee W. Ralston, instead of Lee W. Robinson; and,

Preamble: error in license.

Whereas, the said parties desire the said marriage record be corrected:

Preamble: desire for correction.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds of Cherokee County, M. H. Palmer, or his successor, is hereby empowered and directed to correct the said error on the original marriage license and marriage record in his office by changing the spelling of the said name from Lee W. Robinson to Lee W. Ralston.

Correction authorized.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

#### CHAPTER 74.

AN ACT TO AMEND CHAPTER 156, PUBLIC LAWS OF 1913, ENTITLED "AN ACT TO PROVIDE FOR THE REGULATION AND SUPERVISION OF BOND, INVESTMENT, AND OTHER COMPANIES."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, subsection eight (8) of chapter one hundred and fifty-six, Public Laws of one thousand nine hundred and thirteen [C. S., 6372], be amended by adding after the words "issued by the Insurance Commissioner" in line four, and before the words "Such license shall only issue" the words "and no license shall issue to any person who is not a resident of the State of North Carolina and has not been a bona fide resident for at least two years prior to the date when such application for license is filed with the Insurance Department."

Persons to whom licenses may be issued.

SEC. 2. This act shall take effect and be in force from and after its passage.

Ratified this 26th day of August, A. D. 1920.

#### CHAPTER 75.

AN ACT FOR THE RELIEF OF M. W. BRYSON, AN EX-CONFEDERATE SOLDIER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Pensions for Jackson County be authorized and empowered and required to place M. W. Bryson,

To be placed on roll of blind.

an ex-Confederate soldier, who is now, and has been for several years practically blind, upon the roll of blind ex-Confederate soldiers.

Transfer by  
auditor.

SEC. 2. That pending the annual meeting of Pension Board for Jackson County, the State Auditor is hereby instructed to remove the name of the said M. W. Bryson from fourth class pension and place him on the roll of blind pensions.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 76.

AN ACT TO AMEND CHAPTER 150, SECTION 1 OF THE PUBLIC LAWS OF 1915, FIXING THE SALARY OF THE KEEPER OF THE CAPITOL.

*The General Assembly of North Carolina do enact:*

Salary.

SECTION 1. That chapter one hundred and fifty of the Public Laws of one thousand nine hundred and fifteen [C. S., 3880] be amended in section one, line four, by striking out the word "twelve" and inserting in lieu thereof the word "fifteen."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 77.

AN ACT FOR THE RELIEF OF CERTAIN EX-CONFEDERATE SOLDIERS OF GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

Classification  
changed.

SECTION 1. That L. S. Noblin and Joshua Overton, enfeebled and diseased ex-Confederate soldiers of Granville County, now on the pension rolls for said county as fourth class pensioners, be placed in the second class on said pension rolls, and that they receive in future the same pay as other pensioners of the second class.

Names placed on  
pension list.

SEC. 2. That B. I. Breedlove, J. P. Mize, H. F. Cole and E. C. Allen, ex-Confederate soldiers of Granville County, be placed on the pension rolls for said county in the fourth class, and receive the same pay as other pensioners of the said fourth class.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 78.

AN ACT TO EXTEND THE TIME FOR THE REGISTRATION  
OF STATE GRANTS.

[C. S., 7579.]

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time for the registration of grants issued by the State of North Carolina be and the same is hereby extended Extension. for a period of two years.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 79.

AN ACT TO AMEND THE CONSOLIDATED STATUTES OF  
NORTH CAROLINA GOVERNING MUTUAL INSURANCE  
COMPANIES AND ASSOCIATIONS.*The General Assembly of North Carolina do enact:*

SECTION 1. That the following be added after section six thousand three hundred and fifty-one, as follows:

“6351a. *Mutual and assessment companies and their liability.*

“When any policy of insurance is issued by any mutual insurance company or association organized under the laws of this State and such policy is assigned or pledged as collateral security for the payment of a debt, such company or association, by its president and secretary or other managing officers, may insert in such policy so assigned or pledged, or attach thereto as a rider thereon, a provision or provisions to be approved by the Insurance Commissioner, whereby any or all conditions of the policy which work a suspension or forfeiture and especially the provisions of the statute which limits such corporation to insure only property of its members, may be waived in such case for the benefit of the assignee or mortgagee. In case any such company or association shall consent to such assignment of any policy or policies, or the proceeds thereof, it may nevertheless at any time thereafter, by its president and secretary or such other officer as may be authorized by the board of directors, cancel such policy by giving the assignee or mortgagee not less than ten days notice in writing: *Provided however*, a longer period may be agreed upon by the company or association and such assignee or mortgagee. And the president and secretary of such company or association, with the approval of the

Waivers of forfeiture in policies assigned or pledged.

Notice to assignee or mortgagee of assignment.

Payment of assessment or premiums by

assignee or mortgagee.

Policy to use of assignee or mortgagee.

Insurance Commissioner, may agree with the assignee or mortgagee upon an assessment or premium to be paid to the insurer in case the insured shall not pay the same, which shall not be less than such a rate or sum of money as may be produced by the average assessments or premiums made or charged by like company or association during a period of five years next preceding the year of such agreement and assignment. When an assignment is made as herein provided the policy or policies so assigned or pledged, subject to the conditions herein, shall remain in full force and effect for the benefit of the assignee or mortgagee, notwithstanding the title or ownership of the assured to the property insured, or to any interest therein, shall be in any manner changed, transferred or encumbered."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 80.

### AN ACT TO AMEND SECTION 5150 OF THE CONSOLIDATED STATUTES RELATING TO THE CLASSIFICATION OF PENSIONS FOR SOLDIERS AND WIDOWS.

*The General Assembly of North Carolina do enact:*

Date of marriage.

SECTION 1. That section five thousand one hundred and fifty of the Consolidated Statutes be and the same is hereby amended by striking from lines nine and ten the words "one thousand eight hundred and sixty-eight" and inserting in lieu thereof the words "one thousand eight hundred and seventy-five."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 81.

### AN ACT TO FIX THE TERMS OF COURT OF DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Jurisdiction.

SECTION 1. That the paragraph in chapter twenty-seven, section one thousand four hundred and forty-three of the Consolidated Statutes headed "Duplin," be and the same is hereby amended as follows: In lines four and five of said paragraph, strike out the

words "for civil cases only" and insert in lieu thereof the words "the first week for criminal and civil cases and the second and third weeks for civil cases only," and strike out the last sentence in said paragraph reading as follows: "Sixth Monday before the first Monday in September for criminal cases only."

Term abolished.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 82.

AN ACT TO PERFECT CERTAIN AMENDMENTS TO LAWS MADE AT THIS EXTRA SESSION OF THE GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all amendments to laws made at this extra session of the General Assembly by reference to the Legislative Edition of the Consolidated Statutes, the Revisal of one thousand nine hundred and five, or other Public Laws, the Secretary of State be and he is hereby authorized and directed to add to such references the corresponding and proper references to sections of the Consolidated Statutes of North Carolina, and the same are hereby made and declared to be amendments to the Consolidated Statutes of North Carolina.

Reference to sections of Consolidated Statutes.

Amendments to Consolidated Statutes.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 83.

AN ACT TO REGULATE THE SALARY OF THE NIGHT-WATCHMAN OF THE STATE ADMINISTRATION BUILDING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the salary of the night-watchman of the State Administration Building shall be \$22.50 per week.

SEC. 2. This act shall be in full force and effect from date of ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 84.

## AN ACT TO REGULATE THE PROPERTY VALUATION OF CONFEDERATE PENSIONERS.

*The General Assembly of North Carolina do enact:*

Property  
disqualification.

SECTION 1. That section five thousand one hundred and fifty-one of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the words "five hundred dollars" wherever it occurs in said section and inserting in lieu thereof the words "twenty hundred dollars."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 85.

## AN ACT TO AMEND CHAPTER 97 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1919, ENTITLED "AN ACT TO CREATE JUVENILE COURTS IN NORTH CAROLINA."

*The General Assembly of North Carolina do enact:*

Proviso: Coöper-  
ation of county  
and city in  
election of judge.

SECTION 1. That section two of chapter ninety-seven of the Public Laws of North Carolina, one thousand nine hundred and nineteen [C. S., sec. 5040] be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that in counties, where the county seat is a city containing twenty-five thousand inhabitants, or more, the board of commissioners of such counties shall have the right in their discretion to coöperate with the governing body of such city in the election of a judge of a juvenile court provided for in section twenty-four of said act, which judge when so elected shall perform all the duties, and possess all the powers and jurisdiction conferred by said act upon the clerk of Superior Court, as well as that conferred upon the judge of the juvenile court of such cities by said act, such judge to be so elected by the joint action of the governing bodies of such city and county shall hold office for the term of one year, and until his successor shall be duly elected, and the county availing itself of the provisions of this act shall pay said judge for services rendered the county (outside of city) such sum as the county commissioners of said county shall deem just and proper."

Powers and  
jurisdiction.

Election and  
term.

Payment by  
county.

SEC. 2. That all laws or clauses of law in conflict with the provisions of this act are hereby repealed. Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 86.

AN ACT TO AMEND SECTION 37 OF ARTICLE 8, CHAPTER 1 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO BONDS OF NONRESIDENT EXECUTORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirty-seven, article eight, chapter one of the Consolidated Statutes of North Carolina, be and the same is hereby amended as follows: In line one of said section thirty-seven strike out the words "no bond where will waves bond and co-executor a resident," and insert in lieu thereof, "no bond where will does not require bond and co-executor a resident"; in line two of said section thirty-seven strike out the words "dispenses with executor's bond" and insert in lieu thereof the words "does not require executor's bond."

Bonds of  
executors.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## CHAPTER 87.

A GENERAL ACT AUTHORIZING THE ISSUANCE OF BONDS OF SCHOOL DISTRICTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of trustees of any school district in this State is hereby authorized to issue bonds of such school district from time to time for the purpose of erecting, enlarging, altering and equipping school buildings, and acquiring land for school buildings, of the school district, or for any one or more of said purposes, and the board of county commissioners of the county in which such school district is situated is hereby authorized and directed to levy annually a special tax *ad valorem* on all taxable property in such school district for the purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which special tax shall be in an

Board of trustees  
may issue bonds.

Purpose of  
issue.

Special tax.

- amount sufficient for said purpose, and shall be in addition to all other taxes authorized to be levied in said school district. No bonds shall be issued under this act, however, nor said special tax levied, unless and until the question of such issue and levy shall have been submitted to the qualified voters of such school district at a special election to be held for that purpose, and a majority of said qualified electors shall have voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina.
- SEC. 2.** The said bonds shall be issued in the corporate name of the school district (as provided by chapters one hundred and forty-three and three hundred and eight of the Public Laws of nineteen hundred and nineteen). They shall be issued in such form and denominations, and with such provisions as to time, place and medium of payment of principal and interest as the board of trustees may determine, subject to the limitations and restrictions of this act. They may be issued as one issue or divided into two or more separate issues, and in either case may be issued all at one time or in blocks from time to time. The bonds shall be serial bonds, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually. They may be either coupon bonds or registered bonds, and if issued in coupon form may be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman, president or presiding officer of said board of trustees; and the seal of the school district shall be affixed to or impressed on each bond and attested by the secretary or clerk of said board of trustees; and the coupons of such bonds shall bear the printed, lithographed, or etched *facsimile* signature of such chairman, president or presiding officer in office at the date of the bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in office occurring after such signing.
- SEC. 3.** The said bonds shall be sold by the board of trustees in the manner provided in the Municipal Finance Act for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.
- SEC. 4.** The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purposes for which the bonds were issued.
- SEC. 5.** The taxes provided for in section one of this act shall be collected by the sheriff of the county in which the school dis-
- Bond issue to be voted on.
- Obligation of bonds.
- Form and denominations.
- Method of issue.
- Serial bonds.
- Maturity.
- Ratio of Installments.
- Interest.
- Authentication.
- Delivery of bonds.
- Sale of bonds.
- Sale below par forbidden.
- Proceeds kept as separate fund.
- Use of proceeds.
- Collection and settlement of taxes.



district is situated and paid over by him to the treasurer of the school district, to be applied solely to the payment of the principal and interest of said bonds. The board of trustees may require the said treasurer to give a bond or undertaking for the faithful performance of his duties under this act, in such amount and with such sureties as the board may deem sufficient, and may pay the premium on such bond out of the proceeds of the sale of the bonds hereby authorized.

SEC. 6. Whenever the board of trustees of any school district shall so request, the board of county commissioners of the county in which the school district is situated shall order a special election to be held in the school district at such time as the board of trustees may designate, for the purpose of voting upon the question of issuing bonds and levying a tax under this act. Said election shall be held under the supervision of the board of county commissioners, and in all particulars other than those specifically provided for in this act, shall be held and conducted, and the qualifications of voters at the election determined, as nearly as may be practicable in accordance with the general law relating to elections for members of the General Assembly. For said election there shall be a new registration of the qualified voters of the school district. Notice of the election shall be given by publication at least twice in some newspaper published in the school district, the first publication to be at least thirty days before the election. The question to be voted upon shall be stated in said notice as follows: "The question of issuing not exceeding \$----- of serial bonds of the ----- school district and levying a sufficient annual tax to pay the same." The amount stated in said question shall be such amount as the board of trustees may determine and state in their petition to the said board of county commissioners. The board of county commissioners shall appoint the registrars and judges of election for said election, and shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election the voters who are in favor of the issuance of said bonds and the levying of said special annual tax shall vote a ballot on which shall be written or printed the words "for bond issue"; and the voters who are opposed to the issuance of said bonds and the levying of said tax shall vote a ballot on which shall be written or printed the words "against bond issue." At the close of the polls the election officers shall count the votes and make returns thereof to the board of county commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the result of said election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid, and the other filed with the clerk of the Superior Court of the county in which the

Application of proceeds.  
Treasurer to give bond.

Premium on bonds.

Order for special election.

Supervision of election.

Law governing elections.

New registration.

Notice of election.

Question to be voted on.

Election judges.

Ballots.

Count and return of votes.

Record of returns.  
Duplicate returns.

- Notice of result of election. school district is situated. If said board of county commissioners shall cause a notice containing a brief statement of the result of the election as determined by said board to be published at least once in a newspaper published in the school district.
- Subsequent elections. SEC. 7. Nothing in this act shall be construed as preventing more than one election and more than one bond issue in the same school district under this act.
- Application of act. SEC. 8. This act shall apply to all school districts in the State, notwithstanding the provisions of any other general, special or local act. The powers granted by this act are granted in addition to and not in substitution for existing powers of school districts, and are not subject to any limitation or restriction contained in any other general, special or local act. Any school district may issue bonds either under this act or any other act.
- Powers additional and not in substitution. Not subject to limitation or restriction. SEC. 9. The term "school district," as used in this act, includes every graded school district, high school district, township school district or other school district in this State; and the term "board of trustees" includes the principal administrative or governing body of a school district by whatever name called.
- Definition of terms. SEC. 10. The total amount of bonds issued by any school district under this act, including all other bonds issued for school purposes by the district, shall not exceed five per cent of the assessed valuation of taxable property in the school district.
- Limit of bond issue. SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.
- Repealing clause. SEC. 12. This act shall be in force from and after its passage. Ratified this 26th day of August, A. D. 1920.

## CHAPTER 88.

### AN ACT TO AMEND CHAPTER 94 OF THE PUBLIC LAWS OF 1919 RELATING TO THE PRACTICE OF VETERINARY MEDICINE OR SURGERY IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

- Time for registration. SECTION 1. That line nine of chapter ninety-four of the Public Laws of one thousand nine hundred and nineteen [C. S., 6760] be and the same is hereby amended by striking out the words "nineteen and nineteen" and inserting in lieu thereof the words "nine-hundred and twenty-one."
- SEC. 2. That this act shall be in force from and after its ratification.
- Ratified this 26th day of August, A. D. 1920.

## CHAPTER 89.

AN ACT TO AMEND CHAPTER 185, PUBLIC LAWS 1919,  
RELATING TO ROADS AND BRIDGES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter one hundred and eighty-five, Public Laws of nineteen hundred and nineteen [C. S., 376S] be and the same is hereby amended by adding after the words "roads and bridges" wherever the same occur in said section, the words "or either or both of said purposes." Powers extended.

SEC. 2. All laws or parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 26th day of August, A. D. 1920.

## CHAPTER 90.

AN ACT TO PLACE MILLER T. BLANKENSHIP, OF YANCEY  
COUNTY, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Miller T. Blankenship, an ex-Confederate soldier of Yancey County, be and he is hereby placed on the roll of Confederate pensioners of North Carolina in the fourth class. Name placed on pension roll. Class.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 91.

AN ACT TO AMEND CERTAIN CHAPTERS OF THE PUBLIC  
LAWS OF 1919 AND CHAPTER 95 OF THE CONSOLIDATED  
STATUTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter one hundred and two, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred and eighty-one of the Consolidated Statutes), be and the same is hereby amended by striking out in line two after the words "a tax of" the words "thirty-two," and inserting in lieu thereof the word "thirteen." School tax.

SEC. 2. Amend section six, chapter one hundred and two, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred and eighty-six of the Consolidated Statutes), by striking out the provision beginning with line twenty-eight of section six and substituting in lieu thereof the following:

Proviso: requirements for participation in equalizing fund.

*“Provided*, that no county shall participate in the equalizing fund until it shall have provided by tax levy ten (10%) per cent more for the school year one thousand nine hundred and twenty and one thousand nine hundred and twenty-one than it provided in the school year one thousand nine hundred and nineteen and one thousand nine hundred and twenty.

Proviso: county boards to borrow money.

*“Provided further*, that in any county that may not be able to provide a school fund, under the foregoing provisions, sufficient to maintain its public schools for the full term of six months, in accordance with the budget made up on the basis of the standard salary for teachers adopted by this act, the board of education of such county is hereby authorized to borrow such additional sum, or any part thereof as may be necessary for this purpose, to be repaid out of the proceeds of the tax levy for the year one thousand nine hundred and twenty-one and one thousand nine hundred and twenty-two, and any county so providing a county school fund, by tax levy above mentioned and through borrowing as above provided equal to a tax levy of fifteen cents for the year one thousand nine hundred and twenty and one thousand nine hundred and twenty-one, shall be entitled to participate in the State equalizing fund to make up any remaining deficit in its school budget for the year one thousand nine hundred and twenty and one thousand nine hundred and twenty-one.”

Deficit from state fund in tax rate made 15c.

SEC. 3. That section seven, chapter one hundred and two, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred and eighty-seven of the Consolidated Statutes), be and the same is hereby repealed and the following is substituted in lieu thereof:

Moneys credited to incidental expense and building fund.

*“All* poll tax, fines, forfeitures, penalties, and all public school revenues, other than that derived from the State public school fund and the special county tax, shall be placed to the credit of the incidental expense fund and the building fund, as provided in the budget, and if this amount is insufficient for these funds, the county board of education may provide in the county school budget for an additional amount for these purposes specified above:

Provision for additional funds.

Proviso: limit of tax rate.

*Provided*, that the board of county commissioners shall not be compelled to levy a tax of more than three cents on the property and twelve cents on the poll.

SEC. 4. That all of section two of chapter one hundred and fourteen, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred and ninety-four of the Consolidated Statutes), be and the same is hereby repealed, and the following is inserted as a substitute in lieu thereof:

"The State Superintendent of Public Instruction shall recommend annually to the State Board of Education for its adoption a uniform graduated salary schedule for all teachers, principals, superintendents and assistant superintendents, based upon training, duties, experience, professional fitness and continued service in the same school system, consistent with the estimated amount to be derived from the State Public School Fund. The said salary schedule, when adopted by the State Board of Education, shall be a guide to county boards of education in preparing the school budget, in making provision and in apportioning the funds for a six months school in every district, and it shall be considered a fair salary schedule to be presented in the budget to the board of county commissioners. However, nothing in this section shall prevent boards of county commissioners from providing funds sufficient to meet a salary schedule higher than that provided by the State Board of Education. When the State Board of Education shall adopt a graduated salary schedule this shall be the basis for the apportionment of the State Public School Fund."

Uniform salary schedule.

Guide to county boards.

County may increase salaries.

Basis for apportionment of state fund.

SEC. 5. That section seven, chapter one hundred and thirty-one, Public Laws of one thousand nine hundred and nineteen (section five thousand five hundred and three of the Consolidated Statutes), be and the same is hereby amended by adding to the section the following:

"*Provided, however,* that whatever portion aforesaid shall not be needed to meet the Federal requirements as specified above and in the requirements in section five thousand three hundred and ninety-four of the Consolidated Statutes, is hereby appropriated for the further encouragement of vocational education in rural district as hereinafter provided.

Proviso: surplus for vocational education.

"The State Board for Vocational Education is hereby authorized to use any of said unused portion of State funds for the establishment of at least one standard high school in counties that have no standard high school and in rural districts of other counties in which there is not a standard high school located in the rural districts. The preference shall be given first, however, to those counties in which there is not a single high school of standard grade.

Use of surplus.

Preference to counties.

"*Provided,* that before any funds, remaining as specified above, shall be appropriated for these purposes, any district, township or county applying for aid shall provide a special local tax of at least ten cents on each one hundred dollars valuation of property and thirty cents on each taxable poll, and the area involved shall be large enough to provide sufficient pupils to maintain a high school of standard grade as now defined or hereafter may be defined in the rules and regulations governing the classification of high schools.

Proviso: local special prerequisite.

Requirements as to area.

Proviso: board for vocational education to supplement funds.

“Provided further, that when these conditions have been met the State Board for Vocational Education may supplement the funds to such an amount that a standard high school may be maintained. All such schools established by the aid of these funds shall be required to provide for the teaching of vocational subjects.”

Appropriation for plans and inspection of school buildings.

SEC. 6. That section twenty-one, chapter two hundred and fifty-four, Public Laws of one thousand nine hundred and nineteen (section five thousand six hundred and seventy-two of the Consolidated Statutes), be and the same is hereby amended by striking out in line six the words “two thousand” and inserting in lieu thereof the words “ten thousand.”

SEC. 7. That section five thousand four hundred and seventy-five of the Consolidated Statutes is hereby amended by striking out the following: “and to pay for the same out of the apportionment to that consolidated district. The daily cost of transportation per pupil shall not exceed the daily cost per pupil of providing a separate school in a separate district for said pupils,” and substituting in lieu thereof the following:

Appropriation for transportation of pupils.

“An amount sufficient to cover the actual expense of such transportation of pupils may be included in the county school budget submitted to the county board of commissioners on the first Monday in May of each year, and when so included by the county board of education, it shall be deemed a necessary part of the operating expense of the schools to be paid out of the incidental and building funds, and it shall be the duty of the county board of commissioners to provide the funds necessary therefor, not inconsistent with section seven of chapter one hundred and two of Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred eighty-seven of the Consolidated Statutes), but nothing in this section shall prevent the county board of education from arranging with any district committee to pay a reasonable part of this expense.”

Necessity declared.

County to provide funds.

Apportionment of expense.

SEC. 8. That sections five thousand four hundred and fifteen and five thousand six hundred and seventy of the Consolidated Statutes is hereby amended by striking out the following: “The board shall pay not over one-half the cost of the same out of the fund set aside for building under section five thousand four hundred and eighty-seven of this chapter and the school district in which any schoolhouse is erected shall pay the other part, and upon failure of such district to provide its part by private subscription or otherwise the board is directed to take it out of the apportionment to that district.”

Charge on school districts rescinded.

SEC. 9. That section five thousand six hundred and seventy-five of the Consolidated Statutes is hereby repealed and the following is substituted in lieu thereof:

Limitations on loans to school districts by county boards.

“The county board of education from any sum borrowed under the provisions of this article may make loans only to districts that have already levied a special tax sufficient to repay the install-

ments and interest on said loan for the purpose of building school houses in the district, and the amount so loaned to any district shall be payable in ten annual installments with interest thereon at four per centum, payable annually. Any amount loaned under the provision of this act shall be a lien upon the total local tax funds produced in the district. Whenever the local taxes may not be sufficient to pay the installments and the interest, the county board of education must supply the remainder out of the incidental and building fund and shall make provisions for the same when the county budget is made and presented to the commissioners in May.

Loans payable in installments.

Lien on local tax funds.

Deficit from incidental and building fund.

"All loans hereafter made to local tax districts shall be made upon the written petition of a majority of the committee of the local tax district, asking for the loan and authorizing the county board to deduct a sufficient amount from the local taxes to meet the indebtedness to the county board of education. Otherwise the county board of education shall have no lien upon the local taxes for the repayment of this loan."

Petitions for loans.

Lien on local taxes.

SEC. 10. That section five thousand six hundred and seventy-seven of the Consolidated Statutes be and the same is hereby amended by striking out the following words: "which shall not exceed thirty cents on the one hundred dollars, and ninety cents on the poll."

Limit of tax rate.

SEC. 11. That section five thousand six hundred and seventy-eight of the Consolidated Statutes be and the same is hereby amended by striking out the words "exceed the sum of one hundred thousand dollars." Said section is further amended by striking out the words "the sum of twenty-five thousand dollars," and substituting in lieu thereof "exceed five per cent of the valuation of the property."

Limit of amount of bonds.

Limitation as to townships or school districts.

SEC. 12. That section five thousand six hundred and seventy-nine of the Consolidated Statutes is hereby amended by striking out the words "and tax herein fixed."

SEC. 13. That section five, chapter one hundred and thirty-one, and section five, chapter one hundred and nineteen, Public Laws of one thousand nine hundred and nineteen (section five thousand three hundred and ninety-four of the Consolidated Statutes), is hereby amended by adding after the words "economic subject" in line nine the following:

"And for the administration of the act of Congress providing for the vocational rehabilitation of persons injured in industries and otherwise."

Vocational rehabilitation.

SEC. 14. That section five thousand five hundred and two of the Consolidated Statutes is hereby amended by adding at end of the section the following:

"And an act of Congress to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment."

Vocational rehabilitation.

SEC. 15. That section five thousand five hundred and three of the Consolidated Statutes is hereby amended by adding after the words "the Smith-Hughes Act" the following:

Equalization of state to federal appropriation.

"And an act of Congress to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment."

SEC. 16. That section eleven, chapter one hundred and two, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred and ninety-one, Consolidated Statutes), be and the same is hereby amended by adding at the end of said section the following:

Appropriation for administration and apportionment.

"And a sum not to exceed five thousand dollars shall be set aside annually from the State Public School Fund to be used at the discretion of the State Board of Education to secure a better administration and apportionment of State Public School Fund."

SEC. 17. That section ten, chapter one hundred and two, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred and ninety of the Consolidated Statutes), be and the same is hereby amended by striking out in lines four and five thereof the words "except in case of an epidemic."

Epidemics.

SEC. 18. That section eight, chapter one hundred and two, Public Laws of one thousand nine hundred and nineteen (section five thousand four hundred eighty-eight of the Consolidated Statutes), be and the same is hereby amended by striking out all of said section down to and including the word "or" in line five thereof, and inserting in lieu thereof the following: "in the event of a disagreement between the county board of education and the board of county commissioners as to the amount of the salary, incidental and building funds to be provided by the county for the maintenance of a six months school term, and as to the rate of tax to be levied therefor, the board of county commissioners shall indicate in writing what items of the annual budget of the county board of education have been denied in whole or in part, and the reason for the denial in whole or in part of the respective items, then."

Proceedings to enforce tax levy by county commissioners.

SEC. 19. That section five thousand four hundred and sixteen, subsection two, of the Consolidated States, is hereby amended by striking out the words "not more than three acres shall be procured," and inserting in lieu thereof the words "not more than ten acres shall be procured."

Size of school grounds.

SEC. 20. That section five thousand six hundred and seventy-six of the Consolidated Statutes be and the same is hereby amended by striking out the words "in which there is maintained a public high school" and inserting in lieu thereof the words "in which there is maintained or may be maintained a public school employing as many as five teachers."

Schools for which bonds may be issued.

SEC. 21. That this act shall be in force on and after the date of its ratification.

Ratified this 26th day of August, A. D. 1920.



## CHAPTER 92.

AN ACT TO AUTHORIZE THE STATE TREASURER TO BORROW \$2,720,000 BY GIVING SHORT-TERM NOTES NOT EXCEEDING TWO YEARS TO PAY FOR THE SIX PER CENT BONDS MATURING APRIL 1, 1919.

Whereas, by virtue of chapter one, section six, Public Laws of nineteen hundred and nineteen, the State Treasurer was authorized to borrow two million, seven hundred and twenty thousand dollars, by giving short-term notes not exceeding two years, to pay for the six per cent bonds maturing April one, nineteen hundred and nineteen, and as the money market is not in a condition to float bonds at any reasonable rate of interest; now, therefore,

Preamble: authority heretofore given.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying off the two million, seven hundred and twenty thousand dollars of notes mentioned above, the State Treasurer is hereby authorized, empowered and directed, by and with the advice of the Governor and Council of State, to borrow for a period not exceeding two years and a half, at the lowest rate of interest obtainable, two million, seven hundred and twenty thousand dollars, and the said State Treasurer is authorized and empowered to execute and deliver, in the name of the State, notes for the money so borrowed, and to renew the same from time to time if necessary, but, however, for a total period not longer than thirty months from March first, nineteen hundred and twenty-one.

Loan authorized.

Term.

Interest.

Execution and delivery of notes.

SEC. 2. In event the condition of the bond market justifies it, the State Treasurer is hereby authorized to carry out the provisions of chapter one, Public Laws of nineteen hundred and nineteen, and sell the bonds authorized by said chapter, and pay off the notes authorized by section one of this act.

Discretionary power to sell bonds.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 93.

AN ACT TO AMEND CHAPTER 129 OF THE PUBLIC LAWS OF 1919, AND TO FURTHER AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-nine of the Public Laws of nineteen hundred and nineteen be and the same is hereby amended so as hereafter to read as follows:

Law amended.

Constitution amended.	SEC. 2. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and form as follows:
Article five, section three.	"I. Amend article five, section three, by repealing the proviso in said section "that no income shall be taxed when the property from which the income is derived is taxed," and substituting in lieu thereof the following: <i>Provided</i> , the rate of tax on incomes shall not in any case exceed six (6) per cent, and there shall be allowed the following exemptions to be deducted from the amount of annual incomes, to wit: for a married man with a wife living with him; or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000; and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.
Income tax.	
Exemptions.	
Article five, section one.	"II. By striking out section one of article five and substituting therefor the following:
Capitation tax.	"Section 1. The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.
Capitation tax in cities and towns.	
Exemption.	
Article five, section six.	"III. By striking out section six of article five and substituting therefor the following:
Limitation on city and county tax.	"The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose, and with the special approval of the General Assembly, which may be done by special or general act: <i>Provided</i> , this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by article nine, section three, of this Constitution: <i>Provided further</i> , the State tax shall not exceed five cents on the one hundred dollars value of property.
County tax for special purpose.	
Proviso: taxes for public schools.	
Proviso: limit of state tax.	
Article six, section two.	"IV. By striking out that part of the first sentence of section two of article six ending with the word 'election' before the word 'provided,' and substituting therefor the following:
Residential requirement for voting.	"He shall reside in the State of North Carolina for one year and in the precinct, ward, or other election district in which he offers to vote, four months next preceding the election.
Requirement of prepayment of poll tax abrogated.	"V. By abrogating the following requirement of section four of article VI: 'And before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by article five, section one, of the Constitution,' and by abrogating
Article six, section four.	

the following proviso at the end of section four of article six: *Provided*, such person shall have paid his poll tax as above required.'”

Proviso stricken out.

SEC. 3. That amendments one, two, and three to the Constitution shall be considered as one amendment, and amendments four and five shall be considered as one amendment, and shall be submitted to the qualified voters of the whole State at the next general election.

Amendments I, II and III considered one, and III considered one amendment. Articles IV and V considered one amendment. Submitted to voters. Ballots on amendments I, II and III.

SEC. 4. That the electors favoring the adoption of amendments one, two and three shall vote ballots on which shall be written or printed, “For Amendments to Limit Rate of State and County Taxes, and Amount of Poll Tax, and to Authorize Income Tax,” and those opposed ballots on which shall be written or printed, “Against Amendments to Limit Rate of State and County Taxes and Amount of Poll Tax, and to Authorize Income Tax.”

Ballots on amendments IV and V.

SEC. 5. That the electors favoring the adoption of amendments four and five shall vote ballots on which shall be written or printed, “For Amendments to Change Requirement of Two Years Residence in the State, and Payment of Poll Tax as Qualification for Voting,” and those opposed, ballots on which shall be written or printed, “Against Amendments to Change Requirement of Two Years Residence in the State, and Payment of Poll Tax as Qualification for Voting.”

Law governing election.

SEC. 6. That the election upon the amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if the majority of the votes cast be in favor of the amendments, or any of them, it shall be the duty of the Governor of the State to certify the amendments receiving a majority of votes cast, under the seal of the State, to the Secretary of State, who shall enroll the said amendments so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Governor to certify adopted amendments to Secretary of State. Secretary of State to enroll amendments. Amendments in force from certification.

SEC. 7. This act shall be in force from and after its ratification. Ratified this 26th day of August, A. D. 1920.

CHAPTER 94.

AN ACT TO AMEND SECTION 1004 OF THE CONSOLIDATED STATUTES, RELATIVE TO CONVEYANCES BY HUSBAND WHEN WIFE IS INSANE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand and four of the Consolidated Statutes be and the same is hereby amended by adding after

Certificate from institution.

the word "state" and before the word "shall" in line seven the words "or any other state."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 95.

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO FIX THE SALARIES, COMPENSATION AND WAGES OF CERTAIN CLERKS, STENOGRAPHERS AND EMPLOYEES EMPLOYED IN THE SEVERAL DEPARTMENTS OF THE STATE.

*The General Assembly of North Carolina do enact:*

Governor and council of state to fix salaries, compensation and wages. Clerks and other employees affected.

SECTION 1. The Governor and Council of State are hereby authorized to fix the salaries, compensation and wages, and the terms of payment, of all clerks, stenographers, employees and laborers, in the several departments of the State, Assistant State Librarian, and second Assistant State Librarian, keeper of the Capitol, janitors, night watchmen and laborers, employed in or about any State building, executive mansion and capitol grounds, whose salaries, compensation or wages do not now amount to the sum of eighteen hundred dollars per annum: *Provided*, the salary, compensation or wages of any such clerk, stenographer, employee, laborer, janitor, night-watchman or assistant librarians in the State Library and in the Supreme Court Library shall not be fixed at a sum greater than eighteen hundred dollars per annum; and the salaries, compensation or wages shall be certified by the Governor to the Auditor and Treasurer of the State; and in no case shall said clerks or stenographers or other employees herein mentioned by whatever name called or designated receive any additional compensation from the State or any department thereof.

Proviso: limit of amount.

Certificate to auditor and treasurer. Additional compensation forbidden.

Employment of additional assistants.

SEC. 2. The Governor and Council of State are authorized and empowered to employ any additional clerical or stenographical help in any of the departments of the State, upon the written request of the head of said department, and when they shall become satisfied that such additional help is needed, temporarily in such department, to do efficiently the work of said department, and fix the salary of such additional help under section one of this act.

Salary.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this 26th day of August, A. D. 1920.

## CHAPTER 96.

AN ACT TO AMEND CHAPTER 304 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1919, ENTITLED "AN ACT TO RESTORE THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE IN REGARD TO PROCESS AND PLEADINGS, AND TO EXPEDITE AND REDUCE THE COSTS OF LITIGATION."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and four of the Public Laws of North Carolina, session one thousand nine hundred and nineteen, be and the same is hereby amended so as hereafter to read as follows:

"Section 1. The summons in all civil actions in the Superior Court shall be made returnable before the clerk at a date named therein not less than ten days nor more than twenty days from the issuance of said writ, and shall be served as now provided by law: *Provided*, that in all cases where service of summons is to be by publication the summons may be made returnable within forty days from the commencement of the action. [C. S., 476.]

Return day of summons.

"Sec. 2. The complaint shall be filed on or before the return day of the summons: *Provided*, for good cause shown the clerk may extend the time to a day certain. [C. S., 505.]

*Provido*: return day when service by publication.

Complaint filed by return day. *Provido*: extension of time.

"Sec. 3. The answer or demurrer shall be filed within twenty days after the return day, or, if the time is extended for filing the complaint, then the defendant shall have twenty days after the date fixed for such extension in which to file the answer or demurrer: *Provided*, for good cause shown the clerk may extend the time to a day certain. [C. S., 509.]

Time for answer or demurrer.

*Provido*: extension.

"Sec. 4. The reply, if any, shall be filed within ten days after the filing of the answer: *Provided*, for good cause shown the clerk may extend the time to a day certain. [C. S., 524.]

Time for filing reply. *Provido*: extension of time.

"Sec. 5. If a demurrer is filed the plaintiff may be allowed to amend. If plaintiff fail to amend within five days after notice the parties may agree to a time and place of hearing the same before some judge of the Superior Court, and upon such agreement it shall be the duty of the clerk of the Superior Court forthwith to send up the complaint and demurrer to the judge holding the courts of the district, or to the resident judge of the district, who shall hear and pass upon the demurrer: *Provided*, if there be no agreement between the parties as to the time and place of hearing the same before the judge of the Superior Court, then it shall be the duty of the clerk of the Superior Court to send up the complaint and demurrer to the judge holding the next term of the Superior Court in the county where the action is pending, who shall hear and pass upon the demurrer at that term of the court. [C. S., 512.]

Plaintiff may amend when demurrer filed. Time for hearing on demurrer by agreement. Papers sent up.

*Provido*: hearing at term in default of agreement.

Appeal from judgment on demurrer.

"Sec. 6. Upon the rendering of the decision upon the demurrer, if either party desire to appeal, notice shall be given and the appeal perfected as is now provided in case of appeals from decisions in term time. [C. S., 514.]

Motion to amend complaint when demurrer sustained.

"Sec. 7. Within ten days after the return of the judgment upon the demurrer, if there is no appeal, or within ten days after the receipt of the certificate from the Supreme Court if there is an appeal, if the demurrer is sustained the plaintiff may move, upon three days notice, for leave to amend the complaint. If this is not granted, judgment shall be entered dismissing the action. [C. S., 515.]

Judgment discussing action.

Answer when demurrer overruled.

"Sec. 8. If the demurrer is overruled the answer shall be filed within ten days after receipt of the judgment, if there is no appeal, or within ten days after receipt of the certificate of the Supreme Court if there is an appeal. Otherwise the plaintiff shall be entitled to judgment by default final or by default and inquiry; and the clerk of the Superior Court is expressly authorized and empowered to enter judgment by default final and by default and inquiry to the same extent as is now allowed to be granted and entered by judges of the Superior Court in term; and all judgments by default final shall be duly recorded by the clerk and be docketed and indexed in the same manner as judgments rendered in term and in all respects be and become judgments of the Superior Court and be of the same force and effect as if rendered in term time and before the judge of the Superior Court; and in all cases of judgment by default and inquiry rendered by the clerk, the clerk shall docket the cause in the Superior Court at term time for trial before a jury, or otherwise, as now provided by law, and all judgments by default and inquiry shall be of the same force and effect as if rendered in term time and before the judge of the Superior Court. [C. S., 515.]

Judgment by default.

Clerk authorized to enter judgment by default.

Record of judgments by default.

Judgments by default and inquiry docketed.

Force and effect of judgment.

Pleading made up and issues joined.

"Sec. 9. Pleadings shall be made up and issues joined before the clerk. After pleadings have been so made up and issues joined the clerk shall forthwith transmit the original papers in the cause to the court at term for trial upon the issues, when the case shall be proceeded with according to the course and practice of the court, and on appeal with the same procedure as is now in force. [C. S., 555.]

Warrants of attachment.

"Sec. 10. If the action is not founded on a contract, or is founded on a contract and the sum demanded exceeds two hundred dollars, a warrant of attachment may be obtained from the judges of the district embracing the county in which the action was begun, or from the clerk of the Superior Court from which the summons in the action issued; and it may be issued to any county in the State where the defendant has property, money, effects, choses in action or debts due him, and shall be made returnable before the clerk at the same time and place to which the summons is returnable. [C. S., 801.]

"Sec. 11. Nothing herein contained shall be construed to prevent the resident judge or the judge holding courts in any district from making such orders and decrees as now provided in injunctions and other provisional and extraordinary remedies.

Injunctions and provisional and extraordinary remedies.

"Sec. 12. Nothing herein contained shall be construed as depriving the clerk of the court, or the parties by agreement, to extend the time for filing the pleadings or perfecting appeals, or agreeing upon time and place for hearing argument upon the demurrer or other matters."

Extension of time for filing pleadings or perfecting appeals.  
Arguments.

Sec. 2. All of that part of chapter three hundred and four, Public Laws of North Carolina, session one thousand nine hundred and nineteen, not included and rewritten in this act, and all other laws and clauses of laws in conflict with this act, are hereby repealed.

Repealing clause.

Sec. 3. This act shall be in force from and after its ratification. Ratified this 26th day of August, A. D. 1920.

## CHAPTER 97.

### AN ACT REGULATING THE FEES OF THE SOLICITORS OF THE SEVERAL JUDICIAL DISTRICTS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. The solicitors shall, in addition to the general compensation allowed them by the State, receive the following fees, and no other, namely:

Fees allowed.

(a) For every conviction under an indictment charging a capital crime, whether by plea or verdict, forty dollars.

For capital crime.

(b) For perjury, forgery, passing or attempting to pass or sell any forged or counterfeited paper, or evidence of debt; maliciously injuring or attempting to injure any railroad or railroad car, or any person traveling on such railroad car; stealing or obliterating records; maliciously burning or attempting to burn houses or bridges; seduction; slander of an innocent woman, and embezzlement; breaking into houses otherwise than burglariously; assault with intent to commit rape; larcenies from the person; false pretense, and secret assault; in each of the above cases, twenty dollars.

Felonies other than capital.

(c) For larceny, receiving stolen goods, frauds, maims, deceits, escapes, and other felonies, fifteen dollars.

Minor felonies.

(d) For disturbing religious and other public meetings; for all violations of the prohibition law as to intoxicating liquors and narcotics; for fornication and adultery and resisting an officer, twelve dollars.

Offenses against public morals.

Other offenses.

(e) For all other offenses, eight dollars.

Taxing fees.

(f) The fees in all the above cases are to be taxed in the costs against the party convicted, but where the party convicted is insolvent, the solicitor's fees shall be one-third, to be paid by the county in which the indictment was found, except that for convictions under an indictment charging a capital crime, whether by plea or verdict, forgery, perjury, conspiracy, seduction, slander of an innocent woman, embezzlement, breaking into houses otherwise than burglariously, assault with intent to commit rape, larcenies from the person, false pretense, secret assault, and when defendants are convicted and assigned to work the public roads of any county in the State, they shall receive full fees: *Provided*, that in all cases when defendants are convicted and sentenced to the State's Prison, the county from which the prisoner is sentenced shall be reimbursed the legal costs incurred in the trial of said action, to be paid by the State Prison Board out of any money to the credit of said State Prison Board: *Provided*, that no larger fee than ten dollars shall be taxed for the solicitor in an indictment against the justices of the peace of any county, as justices, when there are more than three justices who are found guilty.

Proviso: reimbursement to counties by state's prison.

Proviso: indictments against justices of the peace.

Penalties and forfeited recognizances.

Fee of solicitor.

(g) The solicitors of the several judicial districts and criminal courts shall prosecute all penalties and forfeited recognizances entered in their courts respectively, and as compensation for their services shall receive a sum to be fixed by the court, not more than ten per centum of the amount collected upon such penalty or forfeited recognizance.

Fees relative to estates of minors.

(h) For performing his duties for the appointment of a receiver of an estate of a minor, they shall receive not to exceed ten dollars, to be fixed by the judge; and in passing on the returns of the receiver in such cases where the estate of the infant does not exceed five hundred dollars, the fee of the solicitor shall not exceed five dollars, and where the estate exceeds five hundred dollars, his fee shall not exceed ten dollars, to be fixed by the judge, and in each case to be paid out of the fund.

Repealing clause.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this 24th day of August, A. D. 1920.

## CHAPTER 98.

AN ACT TO PROVIDE FOR PAYMENT BY THE STATE OF THE PREMIUMS ON BONDS REQUIRED FROM THE STATE OFFICERS, THEIR CLERKS AND EMPLOYEES.

Preamble: necessary to require bonds.

Whereas, for the proper protection and preservation of the best interests of the State, it is and will be found necessary and ad-



visible to require bonds from certain State officers and their clerks and employees; and

Whereas, it is the policy of the State to pay the premiums on such bonds required from its officers and their clerks and employees; now, therefore,

Preamble: policy of state.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of the State is hereby authorized and directed to pay from State funds the premiums on bonds now or hereafter lawfully required by the State from its officers and their clerks and employees, and also upon the bonds required by the head of any department from the clerks or employees of such department, when such bonds are executed to protect the funds of the State under the control, whether temporary or not, of such clerks and employees.

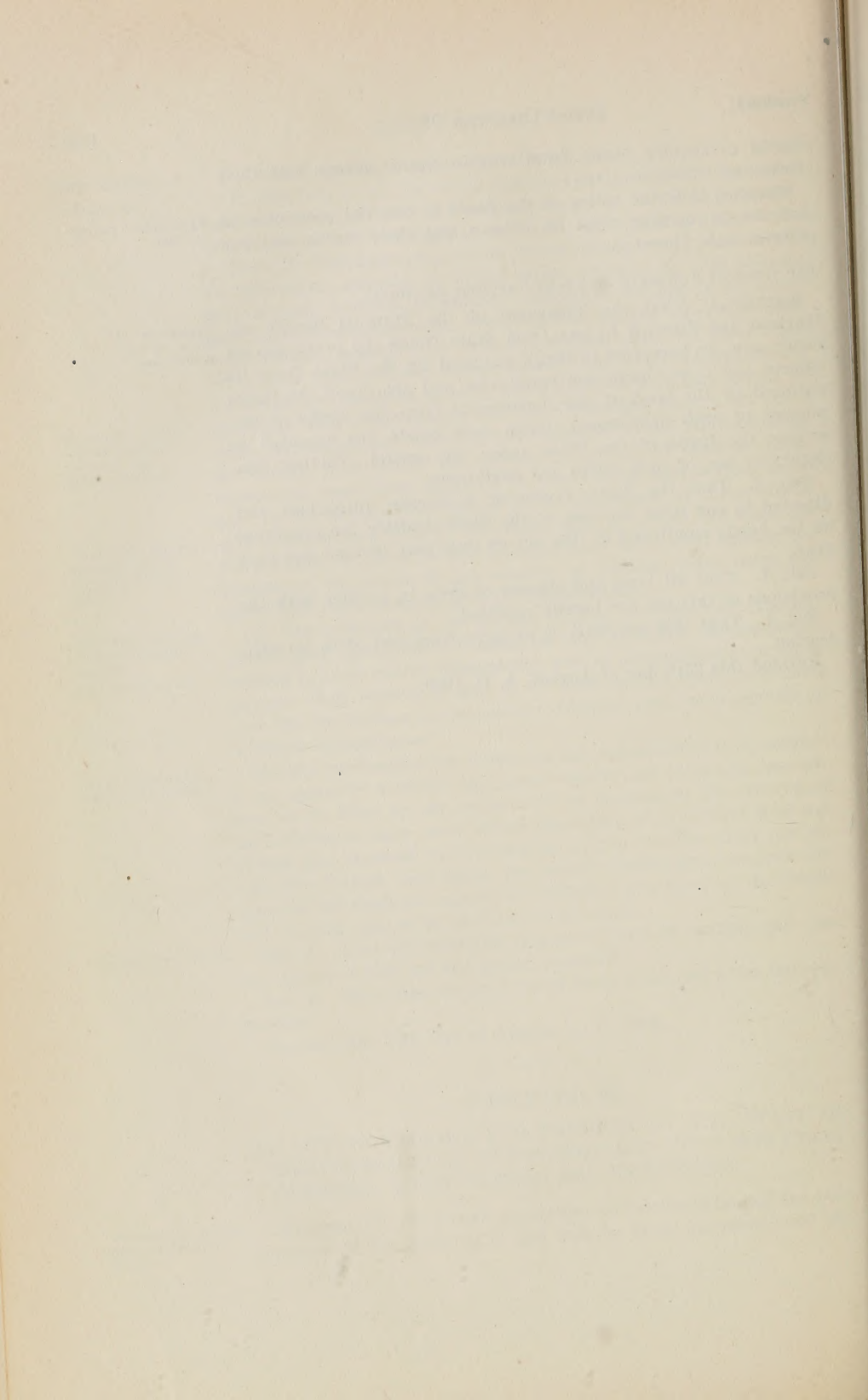
Treasurer of state to pay premiums.

SEC. 2. That the State Treasurer is hereby authorized and directed to pay upon warrant of the State Auditor the premiums on the bonds mentioned in this act as they may become due each year.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.



RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
EXTRA SESSION, 1920

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RESOLUTION RELATING TO THE DEATH OF PROFESSOR  
MARVIN HENDRIX STACY.

The General Assembly of North Carolina, having heard with profound regret of the death of Professor Marvin Hendrix Stacy, Professor of Civil Engineering and Chairman of the Faculty of the University of North Carolina, who died at his home in Chapel Hill on Tuesday, January twenty-first, nineteen hundred and nineteen, is desirous of expressing its sense of the loss which the University and State have thereby sustained.

A graduate of the University, and for sixteen years a member of its faculty, Professor Stacy had risen from the position of Instructor in Mathematics to that of Professor of Civil Engineering and Dean of the College of Liberal Arts, and had fulfilled the several trusts which had been committed to him with such efficiency and fidelity to duty as to win the complete confidence of faculty and trustees. Upon the death of the late President Edward Kidder Graham, he was at once placed in charge of the administration of the affairs of the University as Chairman of the Faculty, which position, at the time of his death, he was filling with great ability and promise; therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

That in the death of Professor Stacy the University and the State have lost a public servant whose career marked him as a teacher endowed with high powers of inspiration, as a counselor of sound judgment, and as a man of high and lofty ideals of service and broad, liberal sympathies.

*Resolved further,* That these resolutions be spread upon the Journals of the Senate and the House of Representatives as a testimonial of the high esteem in which the people of North Carolina held Professor Stacy as a man, and their confidence in him as an educational leader.

*Resolved third,* That the Secretary of State have a copy of these resolutions transmitted to the family of the deceased.

Adopted January 22d, A. D. 1919.

## RESOLUTION No. 1

A RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF RECEIVING A MESSAGE FROM HIS EXCELLENCY, THE GOVERNOR.

*Be it resolved by the House of Representatives, the Senate concurring:*

Joint session ordered.

That a joint session of the Senate and House of Representatives be held in the hall of the House today at eleven thirty o'clock for the purpose of receiving any message which his Excellency, the Governor, may desire to transmit, and that a committee composed of two Senators and three Representatives be appointed to wait upon him and conduct him to the hall of the House for this purpose.

Committee.

Ratified this 16th day of August, A. D. 1920.

## RESOLUTION No. 2

A JOINT RESOLUTION PROVIDING FOR A COMMITTEE TO NOTIFY THE GOVERNOR.

*Resolved by the Senate, the House of Representatives concurring:*

Committee of notification.

That the President of the Senate and the Speaker of the House of Representatives be and they are hereby authorized to appoint a committee, two on the part of the Senate and three on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him of the organization of the General Assembly in extraordinary session and to receive from him any communication it may be his pleasure to present, or if it be his pleasure to deliver his message in person, to conduct him to the hall of the House of Representatives at a time to be named by his Excellency.

Ratified this 16th day of August, A. D. 1920.

## RESOLUTION No. 3

JOINT RESOLUTION IN REGARD TO DEFICITS OF STATE BOARDS AND STATE CHARITABLE INSTITUTIONS.

Preamble.

Whereas, since the regular session of the General Assembly of nineteen hundred and nineteen, the cost of labor and material has greatly increased, and it appears that some of the State boards

and charitable institutions will not be able to pay their actual necessary expenses out of the appropriations now available; and

Preamble.

Whereas, it is impossible for the General Assembly in special session to ascertain just what additional appropriations are necessary for the maintenance of such boards and institutions; therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Governor and Council of State are authorized to investigate the necessities of State boards and charitable institutions, and if, as a result of such investigation they shall find as a fact by a unanimous vote that any State board or charitable institution is unable to pay its actual necessary expenses, after using the most rigid economy, up to January first, nineteen hundred and twenty-one, out of the appropriations now available, then the Governor and Council of State shall find what further sums of money are absolutely necessary to maintain such boards and institutions, and thereupon the State Treasurer shall be authorized to advance to any such board or institution the additional sum found to be necessary for its maintenance; and if the moneys in the general fund are not sufficient to pay such additional necessary expenses, the State Treasurer, by and with the approval of the Governor and Council of State, shall be authorized to borrow such additional sums, or so much thereof as may be necessary, upon such terms and conditions as in his discretion may be most expedient.

Investigation by  
governor and  
council of state.  
Decision by  
unanimous vote.

Advance by  
treasurer.

Treasurer to  
borrow money.

SEC. 2. The authority of the Governor and Council of State under this joint resolution shall expire on December first, nineteen hundred and twenty.

Limitation of  
authority.

SEC. 3. This resolution shall take effect from and after its ratification.

Ratified this 23d day of August, A. D. 1920.

#### RESOLUTION No. 4

A JOINT RESOLUTION REQUESTING THE NORTH CAROLINA DELEGATION IN CONGRESS TO ADVOCATE AND SUPPORT A MEASURE NOW OR HEREAFTER TO BE BROUGHT BEFORE CONGRESS OF THE UNITED STATES RELATING TO RETIREMENT OF MEMBERS OF THE UNITED STATES LIFE SAVING SERVICE WHO HAVE SUFFERED DISABILITIES INCURRED IN THE LINE OF DUTY.

Whereas the Congress of the United States on or about the year one thousand eight hundred and seventy-one established, as a branch of the Treasury Department, the United States Life Saving Service; and

Preamble.

Preamble. Whereas, under the provisions of this law there were established many life-saving stations along the coast of the United States, among which were stations along the coast of our State of North Carolina; and

Preamble. Whereas, the men engaged in our life saving service distinguished themselves with heroic and unselfish conduct, and preserved millions of dollars of property and rescued thousands of lives without thought of their own preservation, thereby incurring the admiration of our State and the United States and all the world; and

Preamble. Whereas, the Congress of the United States on or about the year one thousand nine hundred and fifteen did consolidate the Life Saving Service and the Revenue Cutter Service and made from such consolidation the United States Coast Guard; and

Preamble. Whereas, the Congress of the United States has provided for the retirement pay for all members of the Coast Guard who have suffered physical disability incurred in the line of duty, and which provision does not include a retirement of members of the United States Life Saving Service who similarly suffered physical disability incurred in the line of duty; and

Preamble. Whereas, prior to this date there was introduced in the Senate of the United States by Senator Martin, of Virginia, a bill providing that these heroic members of the United States Life Saving Service, discharged therefrom by reason of physical disability incurred in the line of duty, should be placed upon the same basis with reference to retirement pay and all other compensation as the heroic members of the Coast Guard as now constituted since the combination of the United States Life Saving Service with the Revenue Cutter Service; therefore, be it

*Resolved by the House of Representatives of the State of North Carolina, the Senate concurring:*

Request for action. That our Senators and Representatives in Congress be requested to advocate, support and use their best efforts to facilitate the passage of that bill heretofore known as the Martin Bill, or such other bill as may be introduced for the purpose of providing for the retirement with pay of those members of the United States Life Saving Service who have suffered physical disability incurred in the line of duty.

Copies to be sent. *Be it further resolved,* that upon the passage of this resolution the Secretary of State be instructed to send forthwith copies thereof to our Senators and Representatives in Congress.

Ratified this 23d day of August, A. D. 1920.

## RESOLUTION No. 5

JOINT RESOLUTION TO PAY THE EXPENSES OF COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON CONSTITUTIONAL AMENDMENTS AND FINANCE CALLED PRIOR TO THE CONVENING OF THE EXTRA SESSION OF THE GENERAL ASSEMBLY OF 1920 BY THE GOVERNOR TO CONSIDER THE REPORT OF TAX COMMISSION DEALING WITH TAX RATE, AND AMENDMENTS TO THE CONSTITUTION OF NORTH CAROLINA.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the sum of one thousand sixty-three and two hundredths dollars (\$1,063.20) is hereby appropriated to pay the actual expenses incurred by joint committees of the Senate and House of Representatives to study the report of the Tax Commission, and consider constitutional amendments that may be wise and just, to be submitted by the extra session of the General Assembly of one thousand nine hundred and twenty; and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to the persons hereinafter named, to defray their actual expenses incurred by them in attending meetings of said joint committees:

Appropriation.

Itemized statement.

## Senators

George V. Cowper.....	\$18.50
P. W. Glidewell.....	16.75
A. M. Scales.....	6.75
D. Z. Newton.....	30.00
A. B. Palmer.....	29.25
E. B. Cloud.....	30.00
Henry B. Stevens.....	40.10
E. C. Beddingfield.....	6.15
J. A. Brown.....	39.36
Robt. L. Burns.....	15.20
H. G. Connor, Jr.....	10.37
T. G. Currin.....	33.60
J. A. Gray.....	49.85
Earle A. Humphrey.....	15.00
F. C. Harding.....	16.10
James L. Hyatt.....	30.00
A. G. Mangum.....	21.74
H. E. Stacy.....	21.50

## Representatives

R. A. Doughton.....	28.00
J. Frank Ray.....	30.00
R. M. Cox.....	30.00
J. G. Dawson.....	35.00

W. N. Everett.....	\$25.00
R. S. McCain.....	18.00
W. J. Graham.....	16.88
J. E. Tucker.....	17.50
C. G. Wright.....	26.00
W. H. Macon.....	28.00
O. M. Mull.....	30.00
W. H. Powell.....	30.00
J. N. Wilson.....	23.80
A. C. Ray.....	15.00
B. G. Crisp.....	15.60
T. J. Renfrow.....	15.00
T. R. Forrest.....	15.00
S. B. Shepherd.....	20.00
S. O. Maguire.....	20.00
J. C. Pass.....	18.80
E. W. Pharr.....	27.50
R. T. Poole.....	15.00
L. C. Grant.....	30.00
J. L. Roberts.....	25.00
V. S. Bryant.....	10.10
R. B. Redwine.....	13.00
D. B. Teague.....	13.30
J. H. Matthews.....	17.50
Clerk to Committee	
A. W. Change.....	24.00

Treasurer to pay warrant.

SEC. 2. That the Treasurer of the State is authorized and directed to honor and pay warrant issued hereunder.

SEC. 3. That this resolution shall be in force and effect from and after its ratification.

Ratified this 24th day of August, A. D. 1920.

**RESOLUTION No. 6**

**JOINT RESOLUTION REQUIRING THE RESOLUTION RELATING TO THE DEATH OF MARVIN HENDRIX STACY TO BE PRINTED IN THE PUBLIC LAWS OF THE SPECIAL SESSION OF 1920.**

Preamble.

Whereas, at the regular session of the General Assembly held in the year one thousand nine hundred and nineteen a joint resolution was adopted relating to the death of Marvin Hendrix Stacy; and

Preamble.

Whereas, said resolution was not printed in the Public Laws of said session; therefore be it .



*Resolved by the Senate, the House of Representatives concurring:*

That said resolution be printed in the Public Laws of this Order to print special session of the General Assembly.

Ratified this 25th day of August, A. D. 1920.

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### RESOLUTION No. 7

JOINT RESOLUTION TO APPOINT A COMMITTEE TO INVESTIGATE FACTS CONCERNING A WORKMAN'S COMPENSATION LAW AND MAKE A REPORT TO THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY.

*Be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That a committee, to be composed of three members of the House of Representatives and two members of the Senate, be appointed by the presiding officers of the respective bodies, and that the said committee be authorized and instructed to make a full and complete investigation of the facts concerning workmen's compensation laws, examining the laws of other states and giving a hearing to all parties interested; that this committee shall embody the findings and recommendations of the said committee in a written report and submit same to the next session of the General Assembly.

Appointment.  
Constitution of committee.  
Report.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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### RESOLUTION No. 8

RESOLUTION IN BEHALF OF THE CLERKS OF THE GENERAL ASSEMBLY.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the principal clerk of the Senate and his assistants, and the principal clerk of the House of Representatives and his assistants, the reading clerks of both branches of the General Assembly, the engrossing clerk of the House of Representatives and his assistants, the engrossing clerk of the Senate and his assistants, the enrolling clerk and four assistants, and the sergeant-at-arms of both houses be and they are hereby allowed the sum of two dollars per day in addition to their per diem allowed by law, and only from the date of their employment. All committee clerks and all other employees and laborers of the House

Clerks and assistants.  
Sergeants at arms.  
Committee clerk and employees.

and Senate not otherwise or herein provided to receive extra compensation, are hereby allowed the sum of one dollar per day in addition to their per diem allowed by law, and only from the date of their employment.

Vouchers.

SEC. 2. That the principal clerks of the Senate and the House of Representatives, respectively, are hereby authorized and directed to issue vouchers therefor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

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### RESOLUTION No. 9

JOINT RESOLUTION TO AUTHORIZE THE PRINTING OF THE REVENUE ACT AND THE MUNICIPAL FINANCE ACT AMENDMENTS, AND TO DISTRIBUTE SAME.

*Resolved by the Senate, the House of Representatives concurring:*

Order for printing.

SECTION 1. That ten thousand copies of the Revenue Act, passed at this special session of the General Assembly, and two thousand copies of the Municipal Finance Act amendments, likewise passed at this special session of the General Assembly, be printed.

Distribution.

SEC. 2. That the Secretary of State shall within five days after adjournment of this General Assembly distribute to the mayors of each municipality in North Carolina a copy of both acts, and that the State Tax Commission shall, within a like period of time, distribute to the chairmen of the boards of county commissioners of the several counties of the State copies of said acts.

Ratified this 25th day of August, A. D. 1920.

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### RESOLUTION No. 10

RESOLUTION INVITING EDWIN T. MEREDITH TO ADDRESS THE GENERAL ASSEMBLY.

*Resolved by the Senate, the House of Representatives concurring:*

Invitation extended.

SECTION 1. That Hon. Edwin T. Meredith, Secretary of Agriculture of the United States, be invited to address the General Assembly in joint session at such hour as may suit his convenience.

Committee.

SEC. 2. That a committee of two from the Senate and three from the House of Representatives be appointed to extend this invitation.

SEC. 3. That this resolution shall be in effect from and after its ratification.

Ratified this 25th day of August, A. D. 1920.

**RESOLUTION No. 11****JOINT RESOLUTION OF ADJOURNMENT OF THE GENERAL ASSEMBLY.**

*Resolved by the House of Representatives, the Senate concurring:*

That this extra session of the General Assembly adjourn *sine die* on the twenty-sixth day of August, nineteen hundred and twenty, at twelve o'clock noon. Day and hour.

Ratified this 25th day of August, A. D. 1920.

**RESOLUTION No. 12****RESOLUTION TO INCREASE THE PAY OF LABORERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.**

Whereas, the laborers of the Senate and House of Representatives have faithfully performed all the duties required of them; and whereas, the cost of living is so very much higher than at any previous session of the General Assembly; therefore be it Preamble.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That an additional one dollar and fifty cents per day each and mileage at the rate of five cents per mile be allowed the laborers of the Senate and the House of Representatives. Per diem and mileage.

SEC. 2. That this resolution shall be in full force and effect from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

**RESOLUTION No. 13****JOINT RESOLUTION FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE FEASIBILITY OF PASSING CERTAIN LAWS FOR THE BENEFIT OF THE NEGRO RACE.**

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Governor of the State be and he is hereby authorized to appoint a commission of five members, whose duty it shall be to investigate the feasibility and the advisability of establishing a reformatory school for negro boys, a sanatorium for the treatment of negroes afflicted with tuberculosis, a negro teachers training school, and the amendment of our transportation laws so as to provide better accommodations for negroes on the trains. Appointment authorized. Duty.

Allowance.

That the actual expenses of the commission, including whatever clerical assistance shall be necessary, shall be paid out of the general fund upon warrants approved by the Governor.

Ratified this 26th day of August, A. D. 1920.

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## RESOLUTION No. 14

### JOINT RESOLUTION.

*Resolved by the Senate, the House of Representatives concurring:*

Report to be printed and distributed.

SECTION 1. That the State Board of Agriculture be requested to have printed and distributed among the farmers of the State one hundred thousand copies of the report of the Legislative Committee of the State Board of Agriculture dealing with the tax situation in North Carolina.

SEC. 2. That this resolution be in effect from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## RESOLUTION No. 15

### JOINT RESOLUTION TO PRINT THE GOVERNOR'S MESSAGE.

*Resolved by the House of Representatives, the Senate concurring:*

Printing and distribution.

That fifty thousand copies of the Governor's Message of Re-valuation be printed for the use of the members of the Senate and House of Representatives, and for general distribution.

This resolution shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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## RESOLUTION No. 16

### JOINT RESOLUTION IN REGARD TO EXTRA PAY FOR THE PAGES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

*Resolved by the House of Representatives, the Senate concurring:*

Allowance.

SECTION 1. That the pages of the House of Representatives and of the Senate be and they are hereby allowed for such time as they are actually employed one dollar and fifty cents per day

extra in addition to the amount now allowed, together with their Railroad fare. actual railroad fare from their respective homes to the city of Raleigh and return.

SEC. 2. The principal clerks of the House of Representatives and the Senate are hereby authorized to issue their vouchers and the State Auditor shall issue his warrants for the same, which shall be paid by the State Treasurer. Vouchers.

SEC. 3. That this resolution shall be in full force and effect from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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### RESOLUTION No. 17

RESOLUTION IN BEHALF OF THE ASSISTANT SERGEANT-AT-ARMS OF BOTH HOUSES.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the assistant sergeant-at-arms of both the Senate and the House of Representatives be and they are hereby allowed the sum of two dollars per day in addition to their per diem allowed by law, and only from the date of their employment. Per diem.

SEC. 2. That the principal clerks of the Senate and the House of Representatives, respectively, are hereby authorized and directed to issue vouchers therefor. Vouchers.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

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### RESOLUTION No. 18

JOINT RESOLUTION IN BEHALF OF THE COMMITTEE CLERKS OF THE SENATE.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the following Senate Committee clerks be and they are hereby allowed the sum of two dollars per day in addition to their per diem otherwise allowed by law, this to include the per diem allowed for services rendered as clerk to the joint finance and constitutional amendments committee in session upon order of the Governor one week prior to the convening of the General Assembly, the amounts to be paid to said clerks under this resolution being the amounts set opposite their names below: Payments authorized.

Amounts.	H. A. Jones, thirty-four dollars (\$34). W. L. Dowell, thirty-four dollars (\$34). A. W. Chance, forty-six dollars (\$46). C. B. Denson, thirty-four dollars (\$34). E. G. Rand, thirty-four dollars (\$34). G. N. Stell, thirty-four dollars (\$34). M. T. Ray, thirty-four dollars (\$34). M. Jenkins, thirty-four dollars (\$34).
Vouchers.	SEC. 2. That the principal clerk of the Senate is hereby authorized and directed to issue vouchers therefor. SEC. 3. This resolution shall be in force from and after its ratification. Ratified this 26th day of August, A. D. 1920.

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### RESOLUTION No. 19

#### A JOINT RESOLUTION IN BEHALF OF MRS. FRANK MITCHELL, TELEPHONE OPERATOR.

Preamble.	Whereas, the members of the General Assembly have received splendid service from Mrs. Frank Mitchell as telephone operator; and
Preamble.	Whereas, the duties of this position have been very arduous and required long hours of service; and
Preamble.	Whereas, Mrs. Mitchell has rendered splendid service in this connection; be it therefore
	<i>Resolved by the House of Representatives, the Senate concurring:</i>
Per diem.	SECTION 1. That Mrs. Frank Mitchell be allowed as compensation for her services the sum of two dollars per day for each day of the special session.
Voucher.	SEC. 2. That the principal clerk of the Senate is hereby authorized and directed to issue voucher in payment therefor. SEC. 3. That this act shall be in force from and after its ratification. Ratified this 26th day of August, A. D. 1920.

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### RESOLUTION No. 20

#### A JOINT RESOLUTION CONCERNING THE PUBLICATION OF THE LAWS, JOURNALS, AND DOCUMENTS OF THE SPECIAL SESSION OF 1920.

	<i>Resolved by the Senate, the House of Representatives concurring:</i>
Public, public-local and private.	SECTION 1. That fifteen hundred copies of the Public, Public-Local and Private Laws and Resolutions of the special session of

one thousand nine hundred and twenty shall be bound in one volume, and four thousand copies of the Public Laws shall be bound separately, and that the Journals of the Senate and House of Representatives and Public Documents may be bound in one volume, and that in preparing the captions, side notes, and index of the laws and resolutions, and the publication and distribution of the captions, laws, and journals and documents, the Secretary of State shall be guided by the laws applicable to regular sessions of the General Assembly so far as in his discretion the same may be proper and applicable.

Public.  
Journals.

Captions, side  
notes and index.  
Publication and  
distribution.

SEC. 2. That this resolution shall be in force and effect from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

### RESOLUTION No. 21

A JOINT RESOLUTION PROVIDING COMPENSATION FOR HENRY LEONARD HOWELL, CLERK OF THE POSTOFFICE SUBSTATION.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That Henry Leonard Howell, clerk of the postoffice substation, located in the Capitol building, be allowed the sum of twenty-five dollars as compensation for his faithful, untiring and efficient service to the members of this General Assembly in caring for and delivering their mail.

Allowance.

SEC. 2. That the State Auditor is hereby directed to issue his warrant upon the State Treasurer for the amount of the above sum, and the State Treasurer is authorized and directed to pay the same out of the general funds of the State.

Voucher.

SEC. 3. That this resolution shall take effect upon ratification.

Ratified this 26th day of August, A. D. 1920.

### RESOLUTION No. 22

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO MAKE USE OF THE STENOGRAPHERS IN THE VARIOUS GOVERNMENTAL DEPARTMENTS IN THE ENROLLMENT OF BILLS.

Whereas it is necessary to enroll a large number of bills during the day; therefore,

Preamble.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That for the purpose of enrolling the bills of the General Assembly this day the Secretary of State be, and he is

Use of department stenographers.

hereby authorized to use the stenographers of the various governmental departments during office hours today, and to pay them at the rate now provided by law.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this 26th day of August, A. D. 1920.

STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE,

RALEIGH, September 9, 1920.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,  
*Secretary of State.*



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